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Child Online Protection in the MENA Region

REGIONAL REPORT

August 2016





REGIONAL REPORT

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05 August 2016

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EXECUTIVE SUMMARY

The global adoption of information and communication technologies (ICTs) has changed the fundamental challenges to effective child protection. ICTs, the internet, and the digital services they connect provide remarkable opportunities for children of all backgrounds and have become the focus of numerous national plans for development. At the same time, the new affordances of these technologies, the challenges of policing them with outdated laws, and the relative invisibility of many online platforms have produced new opportunities for the sexual exploitation of children. The sustained effort to protect children – from the least to the most vulnerable – requires a new approach to the subject that can integrate an understanding of these new technologies within national and regional contexts of children at risk.

This report addresses the current state of protection against online child sexual exploitation in the region of the Middle East and North Africa (MENA)—focusing on the four target countries of Algeria, Egypt, Jordan, and Morocco. This research is a synthesis of a broad international literature review with data collected through in-country visits; it relies on an international child protection framework derived from the Committee on the Rights of the Child (CRC), the conventions of the Council of Europe (COE), and the recent framework proposed by the #WeProtect Global Alliance to end the sexual exploitation of children online.

Our findings indicate that each country among the target nations have their own challenges with the new requirements of child protection. Widespread cultural sensitivities, particularly relating to discussions around sex, make it difficult to assess or move public opinion on, or gauge actual experiences of, online sexual exploitation of children. The newness of online technologies results in the piecemeal application of laws written for offline crimes. And perhaps most notable for the future of child protection work, the lack of national coordination mechanisms means a general lack of clear data on the prevalence of online crime, the effectiveness of current protection efforts, and the true nature of ICT use by children. Furthermore, given that the internet knows no national borders, it is becoming increasingly important for international coordination mechanisms to be put in place to allow for investigation of transnational crimes, and for national laws to be made as consistent as possible in line with international legal benchmarks.

These challenges are not unique to the MENA region – sexual taboos and legislative lag are international phenomenon – but this report (and the accompanying country reports) attempts to articulate them in specific, local terms and to propose concrete steps to strengthen child protection in each of the countries visited.

The study shows that there are some practices in the region, specifically aimed at addressing child online protection, or focusing more on offline protection. Examples such as the use of religious leaders to disseminate key prevention messages (Jordan); or the Cyber Peace Initiative (Egypt) to promote digital skills amongst youth; or Alfitra (Morocco), a collaboratively developed online magazine supported by the Ministry of Religious Scholars, provide some ideas and interventions which could be built upon and further developed to embrace coordinated and collaborative approaches to child online protection, while also promoting digital literacy and citizenship.

This research provides sufficient data from which to make several informed recommendations, relating to both policy and interventions, and from a prevention and response perspective. These range from the initiation of basic data collection systems to collect data on children's usage of ICTs, exposure and experiences of online risks, and harms, to the integration of online protection into broader integrated child protection systems, to the delivery of targeted training for those in the criminal justice system working on the issue. This document assembles a discussion of online child

sexual exploitation as an international phenomenon, the results of a broad legal and academic literature review, the specific findings of new research in the MENA region, and a list of specific recommendations for the development of a strong child protection effort both at a national and at a regional level.

ACRONYMS

ACCD	Arab Council of Childhood and Development
CSAM	Child sexual abuse materials
CEOP	Child Exploitation and Online Protection Centre
CJCP	Centre for Justice and Crime Prevention
COP	Child Online Protection
COSPOL	Comprehensive Operational Strategic Planning for the Police
CIRCAMP	Internet-related Child Abusive Material Project
CRC	(UN) Convention on the Rights of the Child
OPSC	Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography
CSA	Child Sexual Abuse
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
GSMA	GSM Association
ICTs	Information and Communication Technology
INHOPE	International Association of Internet Hotlines
ISP	Internet Service Providers
ITU	International Telecommunications Union
IWF	Internet Watch Foundation
LAS	League of Arab States
LGBT	Lesbian, gay, Bisexual and Transvestite
MENA	Middle East and North Africa
MENARO	Middle East and North Africa Regional Office
MLAP	Mutual Legal Assistance Procedures
MISSPIN	Microsoft Internet Safety, Security & Privacy Initiative for Nigeria
NCA	National Crime Agency
NCEMC	National Centre for Missing and Exploited Children
OIC	Organization of Islamic Cooperation
PAPA	Predator and Prey Alert
SEA	Sexual Exploitation and Abuse
SGBV	Sexual and Gender-Based Violence
TOR	The Onion Router
UKCCIS	UK Council for Child Internet Safety
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
VAWG	Violence Against Women and Girls
VGTF	Virtual Global Task Force

CHILD ONLINE PROTECTION IN THE MENA REGION

REGIONAL REPORT



1. INTRODUCTION

1.1. Focus of Report

This report is the final product of a study commissioned by UNICEF in February 2016 with the goal of identifying the gaps and opportunities related to the sexual exploitation of children online (SEC Online) in a target region of five countries in the Middle East and North Africa (MENA). The five MENA countries selected for this study were: Algeria, Jordan, Egypt, Morocco, and Tunisia.¹ This report collects the bulk of findings from several phases of research, including a desk review of literature and field visits conducted in each country. What follows is a synthesis of the most important data along with a section of concrete proposals for new practices in the region. This regional report should be read in conjunction with the accompanying detailed literature review and individual country reports.

This particular study of the MENA region is part of a global programme by UNICEF to address the issue of online child sexual exploitation in 17 countries across 6 different regions. This follows from a key international event – the UK-hosted #WePROTECT Global Summit in 2014 – which committed significant resources to the combatting of online child sexual exploitation and prompted widespread efforts to the same. In 2015 the #WePROTECT Global Summit was held in Abu Dhabi, where the Statement of Action was signed by Jordan, the Kingdom of Saudi Arabia, the UAE, and Kuwait in the MENA region. It was also signed by INTERPOL, of which all of the MENA States are members, and by the United Nations Office on Drugs and Crime (UNODC)². The international response to online child sexual exploitation is ever more crucial as new information and communication technologies (ICTs) become available throughout the world. Digital devices and the networks and services that connect them are increasingly used by young and old, rich and poor. The MENA region is no exception: data shows that 1 in 3 people are online in the Arab States, and that 20.7% of the population in Africa are online as well.³ While the use of these devices is of great importance – ‘connectivity’ has been ruled a basic human right by the UN’s Rapporteur to the Secretary General on Violence Against Children (OHCHR, 2015) – this can also produce new risks for vulnerable children, or new vectors for their sexual

¹ Though Tunisia was initially selected for this study, the decision was made by UNICEF to drop this country from the study. Some information relating to Tunisia remains in this report, but the country will receive a less thorough treatment than the remaining four.

² #WePROTECT Children Online, Statement of Action by Governments to Tackle Online CSE: Abu Dhabi We Protect Summit 16-17 November 2015. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484757/FINAL_Country_SOA_111215.pdf

³ Very dated research on broad level trends on access and usage are available through reports (ECPAT, 2008)—including data on Egypt, Jordan, Lebanon, Morocco, Palestine, Saudi Arabia, Sudan, Syria, Israel, Kuwait, UAE, Yemen, Libya, Bahrain, Qatar, Oman, Algeria and Tunisia. This data is however now outdated and thus of limited relevance.

exploitation. For instance, the established circulation of Child Sexual Abuse Materials (CSAMs) has in past years been joined by live video streams of child abuse that present new challenges to law enforcement and child protection efforts (CEOP, 2013). As technology changes, so too are new means of abuse and exploitation likely to emerge online. There is a great challenge, therefore, in simultaneously working toward comprehensive child protection while also supporting the adoption and use of critical technologies and services. The kinds of risks children face online can be grouped into two kinds: the first includes CSAMs, live streaming of abuse, and grooming of children through social media, which tend to be transnational crimes often involving networks of pedophiles; the second kind of risk includes peer to peer exploitation online through sexual extortion and sexualized bullying online, as well as online grooming by adults known to the child. The latter kind of risks can blur with offline risks and exploitation, and may call for a different kind of law enforcement response to the first kind of transnational crimes.

As in all regions, the MENA countries in this study have a unique relationship to the risks of sexual exploitation produced by technological adoption rates, legal frameworks and precedents, and a diverse set of social and cultural factors. Technologically, this region is seeing rapid and uneven adoption of ICTs. Egypt has seen more than half of its population get online (perhaps more considering hard-to-quantify mobile data), while Algeria has less than 20% (CJCP, 2016). The legal standing of online child sexual exploitation is also complicated by the prevalence of plural legal systems which blend state law with Shari'a and/or tribal law in many areas. Finally, at an international level, the majority of law and policy passed and data gathered has prioritised the global North over the global South. Therefore, the first challenge in the effort against online child sexual exploitation must be the gathering of information—not only on the prevalence of such abuse, but also on the efficacy of the legal frameworks, educational efforts, and familial and cultural structures in place to prevent and respond to it.

1.2. Research Questions

The study intended to answer seven research questions:

1. What **existing legal structures** are in place to deal with the risk of online child sexual exploitation?
2. What is **the role of ICTs** in the region, and how might they contribute to or ameliorate the risk of online child sexual exploitation?
3. What **social and cultural factors** have an impact on addressing online child sexual exploitation?
4. How do current policies in the region reflect or depart from the accepted **international standards and treaties**?
5. What **gaps can be identified** in the region's current policies on online child sexual exploitation?
6. **What data currently exists** on the problem and potential solutions, and what is the best way for future data to be gathered?
7. What are **promising practices** that can be adopted, further developed, and scaled up?

1.3. Brief Overview of Methods

This report is the product of three main phases of research: literature review, field work, and synthesis, in order to comprehensively address online child sexual exploitation. The literature review involved sources for a wide-ranging set of disciplines: peer-reviewed scholarly work, administrative data from governments, sector expert reports, and additional material from key stakeholders. This review had to overcome the challenge presented by the general lack of data on specifically *online* exploitation, as well as the relative lack of data on the topic in the MENA region by seeking information directly from regional stakeholders. The country visits performed during field work used the questions generated through the literature review to structure interviews and focus-group discussions with local stakeholders. These interactions were heavily facilitated by local UNICEF offices, whose expertise in the region was invaluable. Individual country reports have been produced for each of the four countries, and are intended to be read as stand-alone, detailed, resources for the individual countries. Finally, the synthesis of this final report has not only summarised the data collected during previous phases, but has concretely identified existing gaps in the knowledge and data necessary to both prevent and respond to online child sexual exploitation in the region.

1.4. Benefits of ICT Use for Children

While this report addresses a number of potential risks and harms produced by interactions with ICTs, it is crucial that this consideration be placed in the larger context of ICT use by children. The use of such technologies provides a large array of benefits, specifically to children, and these benefits must be understood in order to responsibly legislate against, and address the problem of, online child sexual exploitation. Plan International identifies seven benefits of youth internet use: interpersonal relationships (which can reduce isolation), further education and skill development, participation in governance and communities, develop technical skills for the workplace, build knowledge on topics such as HIV and AIDS that they might not otherwise know about, and build self-esteem (Bachan, Stevenson & van der Gaag, 2012). It has been further noted that the use of ICTs can provide ‘learning, communication, participation, creativity, expression and entertainment’ that can lead to crucial opportunities in life (Livingstone & Helsper, 2010). Access to ICTs can be particularly important in providing a means of expression and a voice to children whose voices might not otherwise be heard.

The importance of balancing protection with opportunities is recognised in the relevant international instruments. Under Article 17 of the Convention on the Rights of the Child (the CRC, discussed in detail in Section 3.1), children have the right to access appropriate information. Therefore, measures taken to protect children must also be balanced against their positive rights to engage with and learn from new technologies. Furthermore, Goal 9.c of the UN’s Sustainable Development Goals (adopted in 2015) is to significantly increase access to information and communications technology and strive to provide universal and affordable access to the internet in least developed countries by 2020.

Online Child Sexual Exploitation

There is no agreed international definition of child sexual exploitation. Furthermore, child sexual exploitation is not clearly distinguished from child sexual abuse in the CRC, OPSC, or Lanzarote Convention (discussed in greater detail in Section 3.1.1). This report relies on the discussion found in Terminology Guidelines on the Sexual Exploitation and Abuse of Children produced by an Interagency Working Group (Luxembourg Guidelines). Further to the Luxembourg Guidelines, child sexual abuse does not require any element of exchange between parties. In contrast, child sexual exploitation is defined in terms of “an underlying notion of exchange,” although what is being exchanged may not necessarily be money and could include material, social, or political benefits.

The centrality of exchange to this definition is of particular importance to the issue of online activity. The nature of internet technologies means that the transmission of images or other materials also creates a record of those images and materials. Consequently, for the purposes of this study child sexual abuse online is inherently exploitative and therefore a form of child sexual exploitation online. The more recent practice of live streaming of child abuse complicates this definition and is discussed in greater detail in Section 3.4.

1.5. Summary

Several characteristics make this report unique in its study of both SEC Online and the countries of the MENA region. Spread across four countries and facilitated by local UNICEF offices, the field work of this project was able to accommodate a significant number of stakeholders. These stakeholders were from diverse areas including local and national governments, NGOs, and community organizations. This report integrates the findings from the literature review and country missions to provide a comprehensive synthesis of the knowledge base on Sec Online in the region, and helps contextualise how efforts in this region follow the priorities set by the #WeProtect initiative in 2015. The next section will specify the methodology used for the three phases of this study, with a view to providing a framework for future work in this and other regions. Section 3 will revisit and summarise the most relevant findings of the earlier literature review—presenting the terms and contexts that will frame the status of individual countries. Section 4 will use the findings of each of those countries’ field visits to summarise the MENA region as a whole relative to the framework of the #WePROTECT Model National Response. Finally, Section 5 will present the recommendations that form the conclusion of this study—explicit gaps in knowledge, and concrete steps for future efforts against online child sexual exploitation.

2. METHODOLOGY

This section provides more detail on the research approach adopted for the study and details the limitations encountered during the process. These limitations should be considered when planning future research on the subject in the MENA region.

2.1 Approach to Literature Review

The literature review for this project was conceived from the outset as an interdisciplinary effort aimed at two goals: 1) assembling the available knowledge and data on online child sexual exploitation in the region, and 2) informing the interview and focus group protocols that would be used in subsequent in-country visits.

2.2 Approach to Stakeholder Interviews and Focus Groups

Stakeholders for this research were drawn from a wide range of sectors, including child protection, education, criminal justice, youth agencies, religious and cultural affairs, the private sector, regulators, telecommunications, and civil society organizations. This diverse collection of stakeholders reflects the framing of the analysis within a broader integrated child protection and child rights framework. The range of sectors to be included in the study was provided to each UNICEF country office, and the specific respondents and research participants were identified by the UNICEF country offices. The researchers adopted a standard framework of semi-structured interviews and directed focus groups to gather information. These were some of the most productive portions of the research and several promising methodological observations were made. First, though these interviews were largely aimed at gathering stakeholder insights, they often yielded important research findings in and of themselves. Numerous stakeholders passed along previously unpublished or untranslated reports by hand, often helping to fill gaps in missing sources of the literature review phase. Second, while the focus groups were designed to gather information for researchers, they also served as a potentially important opportunity for information exchange between stakeholders themselves. One challenge for this region is a lack of such information exchange (discussed in Section 5), and so the focus groups proved to have intrinsic value for those stakeholders that participated.

2.3 Analytical Approach

The analysis of the research findings of the study has been guided by the conceptual framework of the broader child rights literature, and by the locating of child online protection within a broader child safety and protection agenda. Particular attention has been given to relating the research findings to the Model National Response developed by the #WeProtect Initiative, and to which each of the countries studied has subscribed. The primary audience of the report is taken to be policy-makers, with a secondary audience of researchers and practitioners. For this reason, existing research gaps and methodological constraints are highlighted throughout the report, with the hope that they would provide useful reference for the design of research on policy in these countries, in the future.

2.4 Limitations of Research

The current research was subject to a number of limitations, which should be considered both in reading the report and when conceptualizing future research on the subject in the region:

1. The research and analysis process was subject to very serious time constraints. While tight timeframes for research are not unusual, the initial project was planned over a six-month period, but due to circumstances beyond the control of the research team, and the contracting UNICEF office, took place over a three-month period, with just two months for the literature review, field visits, and draft reporting. While we are confident that the findings in this report accurately reflect the current experience and landscape in each of the study countries, the research could have benefitted from a much longer period in field within each country, as well as further consolidation of and international consultation on the research findings.
2. The time constraints were further exacerbated by the fact that, as expected, much of the literature, particularly legislative and policy, is only available in French and Arabic. While the research team comprised both Arabic- and French-speakers and legal experts, the translation and integration of these documents into the literature review and for discussion by the whole research team takes a significant amount of time. Related to this, with just five weeks available for country visits, the optimal deployment of the relevant team members, based on specific research and language expertise, was somewhat constrained, and so more reliance was had on in-country translators than might be considered ideal.
3. It was also expected, and stated in the initiate proposal, that some limitations would exist in the extent of statistical data, on access, usage, and experiences, within each of the countries. This proved to be the case, and so this has been raised as a limitation, but also discussed in more detail as gaps that may need to be addressed in the future.
4. For the literature review, much of the research on online child sexual exploitation has traditionally been focused on the global North. In addition, it was discovered during the literature review that the available literature contained key sources for discovering stakeholders appropriate for in-country visits. More time *between* the phases of literature review and in-country visit would have yielded additional face-to-face contacts.

3. SUMMARY OF LITERATURE

The following section presents a summary of the comprehensive literature review produced as the first output of study, and provides the conceptual framing of the analysis to follow. The detailed analysis is available in the accompanying comprehensive literature review.

3.1 Frameworks for Addressing Sexual Exploitation of Children

3.1.1 Key International Initiatives

The main international initiatives related to online child sexual exploitation are the UN Convention on the Rights of the Child (**CRC**), and the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (**OPSC**). All MENA States are party to the UN Convention on the Rights of the Child (CRC)⁴, and almost all MENA States are party to the OPSC, broadly without reservation.⁵ In addition, the Council of Europe (COE) **Lanzarote** and **Budapest Conventions** which are open to accession by all countries (although only Morocco has acceded to them in the MENA region), provide legal benchmarks to specifically address online child sexual exploitation, and have been cited by the Special Representative of the United Nations Secretary-General on Violence against Children, Marta Santos Pais (2015), as ‘core references for work promoted across regions.’ The Council of Europe is committed to developing co-operation with neighbouring regions including the MENA region, as a means of consolidating democratic transformation and promoting good governance, respect for human rights, and the rule of law. In its Resolution 1680, the Council of Europe (2009) created a new status of ‘partner for democracy’ which is granted to States which (amongst other things) show commitment to becoming party to relevant COE Conventions. Morocco was given COE ‘partner for democracy’ status in 2011 (Council of Europe, 2016), and subsequently acceded to the Lanzarote Convention in 2014 (Council of Europe, 2015) and declared observer status of the Budapest Convention. Egypt, Tunisia, Algeria and Jordan are also eligible to request for ‘partner for democracy’ status with the COE (Council of Europe, 2009).

All countries from the MENA region that form part of this study are members of INTERPOL. INTERPOL accepted a resolution drawn up by the Virtual Global Taskforce (VGT) in 2011, focusing on the notion that the Lanzarote and Budapest Conventions “provide all 190 INTERPOL member countries with models for drafting and updating their current laws to address legislative gaps which may exist regarding online child sexual exploitation.”⁶ It is not necessary for the MENA countries to ratify the Council of Europe Conventions in order to use them as a model for updating their laws in relation to SEC Online.

Broadly, North African States tend to have ratified a greater number of international human rights

⁴ See UN Treaty Collection, MTDSG, Chapter IV, 11,

<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-11.en.pdf>

⁵ Only the UAE has neither signed nor ratified the OPSC. See UN Treaty Collection, MTDSG, Chapter IV.11c.

⁶ INTERPOL (2011), ‘Strengthening laws to combat online child sexual exploitation’, 08 November 2011. Available at: <http://www.interpol.int/News-and-media/News/2011/N20111108>

treaties than Middle Eastern States.⁷ Among most MENA States there is a pattern of protesting specific provisions based on the tenets of Islamic law.⁸ Algeria made a reservation on the prohibition of discrimination in constitutions and national legislation; Jordan, Algeria, and Tunisia made reservations on equality before the law; and most countries made reservations on marriage and family relations. However, representations made by the League of Arab States to the UN Secretary-General's Study on Violence Against Children in 2013 argued that most Arab countries do not oppose the core principles of CEDAW but are concerned mostly with the rights of men and women within the family.⁹ The degree to which MENA States have accommodated the CRC and OPSC in national law will be a key part of individual assessments in Section 4.

3.1.2 #WeProtect Model National Response

Following a #WeProtect meeting in Abu Dhabi in November 2015, governments and technology companies, as well as civil society organizations, developed and adopted a Model National Response (**MNR**) for online child sexual exploitation and abuse (CSEA). This model provides a framework for all actors to prevent, identify, and respond to child online exploitation, and can serve as a country readiness assessment or diagnostic.¹⁰ The MNR identified 7 Enablers of child protection:

1. Cross-sector, multi-disciplinary collaboration
2. Willingness to prosecute, functioning justice system, and rule of law
3. Supportive reporting environment
4. Aware and supportive public and professionals working with and for children
5. Sufficient financial and human resources
6. National legal and policy frameworks in accordance with the CRC and other international and regional standards
7. Data and evidence on CSEA

Significantly, the MNR moves the conceptualization of child online exploitation beyond a narrow child protection focus to consider the broader role of child safety, well-being, and health, recognising the roles of, and relationships between, a range of sectors other than pure child protection.¹¹

⁷ Algeria, Egypt, Libya, Morocco and Tunisia have all ratified between 10 and 14 international human rights treaties, compared with the ratification of between 5 and 9 by all other States, except Iraq, Syria and Yemen which have also ratified between 10 and 14. These latter three States appear to be outliers in this respect.

⁸ For example, the Second Comparative Arab Study on VAC found that along with Bahrain, Iraq, Qatar, Kuwait, Libya, and Syria, Egypt made a reservation to CEDAW due to a conflict with Shari'a law. See: League of Arab States (2013) The Comparative Arab Report on Implementing Recommendations of the UN Secretary-General's Study on Violence Against Children, Second Report: 2010-2012, p. 24.

⁹ League of Arab States (2013) The Comparative Arab Report on Implementing Recommendations of the UN Secretary-General's Study on Violence Against Children, Second Report: 2010-2012, p. 28.

¹⁰ The seven terms of the MNR are used in Section 4 below as just such a diagnostic for the four participating MENA countries.

¹¹ The Model National Response is attached as an Appendix to this report.

3.2 Child rights under Islamic law

A crucial part of addressing online child sexual exploitation is understanding the legal and cultural frameworks that define ‘childhood’ in different countries and communities. The role of Islam incorporated into the Constitutions of Muslim states varies from country to country, influencing the ways and degrees to which Islamic principles are implemented through domestic law and public institutions (Stahnke & Blitt 2005)¹². Broadly speaking, the scope and application of strict Islamic law and the jurisdiction of Shari’ah courts in Muslim States, including the States under study, is limited to matter of personal status including family law matters. Nevertheless, criminal laws are also often interpreted using Islamic legal principles, and it is valuable to have an overview of the interaction of Islamic law principles and domestic laws in Muslim States.

The Al-Azhar University in Egypt notes that the general Islamic rule of harm prevention applies to every act or behaviour that may cause harm to humans or other creatures. Sexual assault of children is considered a major sinful act and one of the greatest crimes under Islamic criminal law¹³. It is noted that children, especially girls, are sometimes killed following sexual assault by family members “in accordance with skewed and unjust logic that blames the victim instead of rendering assistance and support as needed in the circumstances”. This is condemned as an injustice which is rejected under Islamic law.¹⁴ The publication recommends helping to protect children from sexual violence in three ways:

- 1) Working to change negative norms and customs that condone various forms of violence, or tolerate them without providing a deterring punishment.
- 2) Formulating and implementing educational programmes to target teachers, parents, and caregivers including on how to report any cases of abuse that occur.
- 3) Establish laws on sexual assault that ensure deterrent punishments that can neither be evaded nor mitigated.

Children also have the right to education under Islamic law; it is emphasised that children have the right to continuously learn and acquire skills, and that the mass media represents a basic and important platform for developing children’s abilities and skills.

¹² Stahnke, T and R. C. Blitt. 2005. *The Religion-State Relationship and the Right to Freedom and Religion or Belief: A textual Analysis of the Constitutions of Predominantly Muslim Countries*. United States Commission on International Religious Freedom.
[http://www.uscirtf.gov/sites/default/files/resources/USCIRF%20Constitution%20Study%202012%20\(full%20Text\(2\)\).pdf](http://www.uscirtf.gov/sites/default/files/resources/USCIRF%20Constitution%20Study%202012%20(full%20Text(2)).pdf)

¹³ Al-Azhar University & UNICEF (2005), *Children in Islam: Their care, upbringing and protection*, UNICEF Office of Public Partnerships, P.57; citing: Al-An’am or the Cattle, Verse 151, Al-Baqarah or the Cow, Verse 19, and Al-Isra or Night Journey, Verse 324.

¹⁴ Al-Azhar University & UNICEF (2005), *Children in Islam: Their care, upbringing and protection*, UNICEF Office of Public Partnerships, P.57; citing Al-Nisra or The Women, Verse 58

3.3 Being ‘Online’

The importance of being online has been a central part to many narratives about improving the opportunities of children in the global South.¹⁵ Indeed, there is much documented growth in the amount of ICT use in target and region nations. Algeria saw 0.6% of its population use the internet in 2001, and this number has risen to 18.1% in 2015,¹⁶ and Algeria’s internet adoption is the slowest of all five MENA nations. During the same time period: Egypt grew from 0.8% to 31.7%; Jordan grew from 4.7% to 44.0%; Tunisia grew from 4.3% to 46.2%; and Morocco grew from 1.4% to 56.8%—becoming one of the countries with the highest rates of internet use in North Africa. In most cases there is little to no data on how many internet users are children, but Livingstone et al argue that one in three children are now online globally, and that in fact increasingly children under 18 are as likely to be online as those over 18 (Livingstone, Carr, & Byrne, 2015).

In addition to a lack of data on the number of children online, there is a similar lack of data on the prevalence of online crimes. Such a lack of data on either online or sexual abuse crimes is not unique to the region; estimating the prevalence of sexual abuse is a global challenge because most cases are never reported (Farmer, 2010). In the case of the MENA region, a lack of consistent venues for publication and information circulation can further limit the accessibility of what data is collected (see earlier note on information sharing in Section 2.2). This can be further complicated when online crimes are ‘lumped in’ with offline versions of the same. On one hand, the legal grouping of offline and online versions of similar crimes might seem appropriate. In their global review of children’s internet use, Livingstone and Bulger (2013) found that the distinction between offline and online worlds is blurring and that those who are vulnerable offline are exceeding vulnerable online. However, a lack of distinction between the two types of crime at the level of law enforcement and data collection risks making the relationships between these two conditions of vulnerability invisible to reformers.

3.4 Defining ‘Sexual Exploitation’

Sexual exploitation exists as a related but distinct category from other types of sexual violation. For instance, sexual ‘abuse’ focuses more on the treatment of the victim, while ‘exploitation’ emphasises the benefit of the offender (UNODC, 2014). According to an internal UNICEF definition, ‘online child

¹⁵ In Jordan, REACH – a strategy carried out by the private sector to develop the ICT industry – was founded in 1999 by King Abdullah II. This was followed by the Jordan Education Initiative (founded in 2003 by King Abdullah II) in order to increase access to computers in schools and knowledge overall. In Algeria, there is a government level push to increase the availability of computers in houses and schools—for instance, project OUSRATIC launched by the Ministry of Post, Information Technologies, and Communication, and the 2002 ICT policy led by the Ministry of Education to establish ICT in schools (FOSI, 2014). The Ministry of Communications and Information Technology (MCIT) in Egypt has played a fundamental role in promoting the placement of ICT as a priority within the lives of its citizens (MCIT ICT Strategy 2012-2017, 2012). Morocco has made a forcible push towards prosocial engagements, inclusive of education and awareness, and the provision of ICT and digital literacy to its citizens (Burkhart & Older, 2003).

¹⁶ This and all subsequent internet usage statistics taken from the World Bank data on Internet Use: <http://data.worldbank.org/indicator/IT.NET.USER.P2>

sexual exploitation’ can therefore include: sexual exploitation that is carried out while the victim is online; identifying and/or grooming potential child victims online with a view to exploiting them sexually; or the distribution, dissemination, importing, exporting, offering, selling, or possession of, or knowingly attaining access to, child sexual exploitation material online.

Most of the offenses traditionally identified with SEC Online are those perpetrated by adults against child victims. These types of offenses include the production, consumption, and circulation of child sexual abuse materials (**CSAMs**, more commonly called ‘child pornography’)¹⁷, and various forms of ‘**grooming**’ aimed at initiating offline contact between adult offenders and child victims.

It would seem that one of the largest perceived risks to children online is their enticement into such offline meetings with strangers. In a survey of U.S. parents in 2011, boyd et al. found that while 78% reported deep concerns about their child being contacted by a stranger online, only a very small percentage of children (1%) reported that their child had been contacted by a stranger with ill intent. Even where internet use is high among parents and children, boyd et al.’s survey found that realities did not match parent fears. While there is little data of this nature in developing countries, one study from South Africa which interviewed over 4000 children of school-going age, shows that just over one in ten, 12.1%, of children who were online had met a stranger offline, but not one of these cases had resulted in any negative harms or outcomes for the child (Samuel et al., 2013). In the case of MENA countries, the danger of online contact leading to offline abuse is complicated by the cultural roles of tourism in the global South. The CRC has indicated in their responses to MENA States that **sex tourism** continues to be a problem in the area.¹⁸ In such cases, the grooming process can be performed not by strangers, but by employers of porters and other menial hospitality positions.

Among adult-initiated sexual exploitation, a new form of crime is emerging that presents unique challenges to law enforcement. The practice of ‘**live-streaming**’ various forms of sexual performance or abuse is becoming more common. This can often involve many of the same grooming activities associated with offline enticement, can reach a large, distributed audience like digital CSAMs, and yet is difficult to monitor and/or prosecute, as it does not produce the same form of evidence as these other related crimes (EFC, 2013).

In addition to adult-initiated exploitation, the increased use of ICTs has paralleled the rise of new forms of child-initiated sexual practices which can be difficult to document, and caution should be exercised in criminalizing such behaviour. Primary among these is ‘**sexting**,’ or the sharing of self-generated sexually explicit content, often through mobile devices. Sexting *can* be adult-initiated, and because of

¹⁷ The term CSAMs is preferred to the term child pornography because it distinguishes materials which are evidence of a crime of child sex abuse, from pornography which is legal in many countries and often involves consenting adults. See for example Interpol: <http://www.interpol.int/Crime-areas/Crimes-against-children/Appropriate-terminology>. However the term ‘child pornography’ has been defined in law at both an international and national level, and it is sometimes necessary to use this term when discussing legal frameworks.

¹⁸ CRC/C/OPSC/MAR/CO/ 1, 17 March 2006, para.15.

this the UNODC 2015 Model Strategies for Elimination of Violence against Children criminalizing it along with online grooming (UNODC, 2015: p. 6). However, there is concern in some jurisdictions that such a policy risks criminalizing children in cases of consensual peer-to-peer (read: child-to-child) sexting. Thus, in the explanatory note to the Lanzarote Convention it is explained that in certain circumstances where minors commit offences such as producing child pornography among themselves and for their own private use, criminalization should be a last resort (Council of Europe, 2007: para. 116). While there is no recognised best practice for addressing child-initiated sexting, several countries are in the process of revising existing policies and legislation in relation to this, and more child-friendly and age appropriate remedies are increasingly being applied.

Sexting can interact in harmful ways with the more oft-discussed practice of ‘**cyberbullying**.’ In cases where compromising images or messages come into the hands of other children, these materials can be used to control the child victim or even their family. This can escalate cyberbullying from a form of harassment to sexual exploitation or **the sexual extortion of children**. Cases like this can be difficult to detect, as a CJCP study on the topic finds that children ‘in many cases are willing to risk other online harms in order to feel a sense of inclusion or belonging’ (Samuels et al, 2013). Thus, ‘putting up with’ forms of sexualised cyberbullying might be perceived as simply part of the experience of being online. In both cases of sexting and cyberbullying there is evidence to suggest that girls are at a higher risk.

3.5 Role of Information and Communication Technologies

While technologies expand certain vectors for sexual exploitation, they also provide new means for documenting, tracking, and combatting these crimes.¹⁹ For instance, Interpol manages the International Child Sexual Exploitation image database (ICSE DB), which is a powerful tool that allows specialised investigators to share data internationally with police forces. Backed by the G8 and funded by the European Commission, ICSE DB was launched in March, 2009 as the successor to the INTERPOL Child Abuse Image Database (ICAID) which had been in use since 2001.

From the private sector, Microsoft has developed image detection software, PhotoDNA, which it has shared cost-free with the International Center for Missing and Exploited Children (ICMEC) and with large technology companies such as Facebook and Twitter to track and prevent the distribution of abusive imagery (Ith, 2015; Gov.UK, 2014). Egypt has taken steps, through partnership between its Ministry of Communications and Information Technologies, ICMEC, and Microsoft in applying Child Exploitation Tracking Systems (CETS) technology to assist with the protection of youth online and its ability to police these crimes. In addition, Microsoft, ICMEC, and Interpol work in collaboration to provide training to law enforcement across 67 countries, with a conference on Computer Facilitated Crimes against Children held in Amman, Jordan.

Further, technologies allow for inexpensive, broadly distributed awareness campaigns and reporting mechanisms, such as: a campaign in South Africa that raises awareness among boys that rape is wrong;

¹⁹ The UN Secretary General’s Independent Expert Advisory Group on a Data Revolution for Sustainable Development (IEAG) has called for new technologies to be utilised to support the UN Sustainable Development Goals; goal 16 promotes efforts to end violence and exploitation against children.

Take Back the Tech in Lebanon, which enables reporting of and awareness raising of online sexual harassment of women; and Young Africa Lives which provides a space for girls to anonymously discuss sexual issues (Kleine, Hollow, & Poveda, 2014). Global helplines such as Child Helpline International (a membership based network of toll-free helplines, of which Algeria, Egypt, and Jordan are member countries), Internet Watch Foundation (international industry-based collaborative), and Virtual Global Taskforce (an international law enforcement collaboration, of which United Arab Emirates is a member). Initiatives such as Harassmap in Egypt enable young women to report and map incidents of violence and sexual harassment. As Nashir's study of Bangalore youth suggests, the internet also assists in providing a voice to the previously unheard, for example, LGBTQI youth.

GSMA (in conjunction with NTT DOCOMO) has begun collecting data within the MENA region in order to ascertain how young people use technology in countries such as Algeria, Egypt, Iraq, and Saudi Arabia. In a survey of 1000 8–18 year-old Algerians and their parents, researchers identified that 70% of respondents owned a mobile telephone, with 41% using their mobile telephone to access the internet. Parental control services were available to 60% of the parents sampled. It is clear that where parental services are available, parents are utilising these services and are aware of them. It is not clear how parents are being made aware of these services or how reliable these services are.

4. REGIONAL OVERVIEW

4.1 Child Online Safety in the Region

The provision of adequate child safety is a challenge in all regions of the world. The difference in speed between technological development and legislative action alone is enough to create spaces of risk for children in many cases. However, in this section we focus on the challenges specific to the MENA region, with a particular focus on the four target nations. These observations are a synthesis of literature review, in-country visits, and the stances of local stakeholders.

Across the region, many stakeholders – including those actively working on child protection – did not profess a consistent conceptualisation of children as active agents. More common among stakeholders was a sense of children as passive figures in need of protection. It must be noted that this is a trend commonly reflected in many regions. However, if such a view is the basis for new legislation (such as Algeria's 2015 Child Protection Code), it may very well overlook the protection of *active rights* that are enshrined in the CRC. This can also be seen in the general lack of support for 'digital citizenship' in the region—a concept which emphasises the positive and proactive use of ICTs by individuals. Some examples were evident in some countries – experts in Morocco, for instance – who stress the importance of 'empowering children rather than forbidding them.' Similar support for empowerment of children was expressed by stakeholders in Egypt. Broadly, the extent of this empowerment however is uncertain, and is most likely to focus simply on basic digital literacy rather than digital citizenship, or pro-social and positive ways in which to engage and behave online. The exception to this seems to be Egypt, where there is substantial support for young tech start-ups, and a number of incubator programmes supported by government.

Current efforts to prevent and respond to SEC Online are generally focused on the most extreme cases of abuse, with little concern for ‘everyday’ abuses such as certain forms of grooming, cyberbullying, and others. There was little attention paid to such practices in stakeholder interviews; however, interviews and focus groups with children have indicated the centrality of these experiences in current ICT use. These ‘everyday’ practices are not always perceived of as harms, but given the correlation between these online forms of violence and offline ones, they should be considered in policy making and awareness initiatives. These crimes can also complicate legal statuses of guilt, and may result in the blaming and punishment of victims. This danger is somewhat exacerbated in the region under study, given the recognized patterns of victim blaming and taboo around sexual offences as well as what might be considered age-appropriate normative sexual exploration and development amongst adolescents, in the region. There is believed to be a high frequency of out-of-court settlement in the case of sexual violence, and a general resistance to discussing sexual issues, either online or offline.

The region has few structures in place for systemic cooperation and coordination between stakeholder organizations. What structures do exist often have limits. In Jordan, there is collaboration between the Public Security Directorate and Juvenile Police Department, but both are located within the Criminal Justice System. In Egypt, the National Committee for Child Online Protection successfully brings together a range of government Departments, government agencies, and the private sector. There are moves toward integrated child protection paradigms in some countries (e.g. Morocco), and these could provide the basis for stronger institutionalised collaboration structures.

There is a similar lack of collaboration between the public and private sector, including NGOs. Even in areas where civil society stakeholders assume primary responsibility for service delivery and victim support to children, there is often little structured collaboration with government bodies. Similarly, there is little evidence of any coherent collaboration or cooperation between civil society agencies in both prevention and response systems to child online (or offline) protection.

There is marked lack of data and evidence across all countries in the region. This is not surprising, as data on ICT use, risks and harms, and sexual violence are inherently challenging fields of data. However, this lack is still of central concern. Without such data, the scale and nature of the problem cannot truly be assessed, and so both policies and interventions are likely to have to be generic in their approach. Without such data, it is also difficult to ensure that the appropriate evidence-based approaches are implemented, and there is greater risk that policies may have inadvertent or even undesirable impact on the intended beneficiaries. It is also impossible to truly measure the impact of any policy shifts, or programmatic interventions, over time, without data.

In addition, where data is being gathered (or new initiatives are being focused) there is a general focus on fixed tech (landlines, wired connections) rather than mobile access. However, anecdotal evidence and early data from all countries indicate that mobile ICTs are the most common form of access for children, are growing the fastest in rates of adoption, and are often the most difficult to monitor or regulate. This form of adoption may necessitate a fundamental rethink of the measures that are taken to ensure that children are safe online, and on the most appropriate mechanisms to target awareness raising and education of children in both online risks, the measures they can themselves take, and on digital citizenship.

Introducing consistent government child protection initiatives is complicated in a number of MENA States due to recent and significant political shifts. A number of countries were affected by the ‘Arab Spring’ of 2011, and several countries (Jordan in particular) have been host to great numbers of Syrian refugees in the wake of their civil war. Stakeholders in Algeria stressed the trust afforded the government in their country, while those in Jordan claimed a more widespread distrust of law enforcement. In Egypt, recent controversy around the ‘radicalization’ of citizens by certain branches of Islam has received increasing attention and may compete with resources and attention previously devoted to child protection. Stakeholders in Morocco expressed concern over similar trends of online radicalization based around children in Casablanca.

Religiously, the region is majority Islam, and three out of four of the target nations have Islam as the official state religion. There has been much consideration of this at the international level, and the CRC has commented in a number of cases on the problems of certain judicial practices – regarding rape and other forms of sexual violence – that seem influenced by Shari’a law. However, there is consistent claims by in-State stakeholders that such practices are prohibited. It is possible that there is a significant difference in the enactment of law between urban and rural settings. Such discrepancies are not unique to the MENA region, and care must be taken to disentangle the religious issues from the judicial ones, where possible. In addition, field visits indicate that in certain countries (Jordan specifically), the positive reputation and organization of religious institutions could serve as a valuable means to educate youth on the risks of online sexual exploitation.

4.2 Positive Uses, Frameworks, Practices

There are a number of positive efforts and organizations already active in the MENA region. These range from governmental bodies to ICT companies and non-State organizations.

In Algeria, the NADA Network is a federation of more than 100 local and national organizations that are committed to child protection through protection, promotion, and agency. NADA is not a direct service provider, but does facilitate and direct complaints or reports of child-related crime to the appropriate resources.²⁰ They are also involved with Algeria’s ‘Green Line’—a helpline and reporting number launched in 2008.

The national telecom for Algeria, AlgerieTelecom, has offered free parental controls to subscribers since 2012, and has also developed child-friendly search engines and web portals. UNICEF Algeria has also partnered with L’École Supérieure Informatique (ESI) in Algiers to provide an ‘innovation lab’ that (among other projects) works on technological solutions to problems of online child protection.

In Egypt, the Arab Digital Expression Foundation (ADEF) provides workshops, training, and practice space to youth and young adults aged 12-30 to engage with information and transmission of knowledge through development of digital skills and creative expression. ADEF additionally provides training and space for youth-led start-ups, including instruction in computing based on open-sourced

²⁰ They report processing around nine thousand cases each year.

programs and creation of visual arts, video, sound and digital music.

At a governmental level, substantial strides have been made by Government (and in particular the Ministry of Information and Communication Technology (MCIT) and the National Committee for Child Online Protection) in raising awareness of risks, and in promoting technology skills. International resource materials have been adapted and translated, and through partnerships with private sector, NGOs and the Ministry of Education, disseminated widely throughout the country. Orange has also adopted a useful model for the dissemination of training, utilizing a national network of NGOs to reach wider audiences.

Jordan is home to a 'Safety Oasis' campaign run by Yahoo! Maktoob, which provides skills for children between the ages of 6 and 12. There is little data on how many children are reached by this program. Like Algeria, operators also offer free opt-in parental controls to subscribers. One of the few examples of collaboration between Ministries or Departments in Government was evident in Jordan, where the Ministry of Awqaf and Religious Affairs disseminated key messages to Imams to further disseminate after Friday prayers. A similar approach has been adopted to circulate messages on domestic violence, and is one example of a practice that might be replicated elsewhere.

In Jordan, legal-advocacy group Mezan consistently intercede in legal cases involving children, and are aware of current gaps in the legal handling of online elements of crimes. There are other strong civil society support groups for children (JOHUD, the Justice Centre for Legal Aid, IMC), but these tend to have little to no focus on the online dimension of child protection.

In Morocco, iEARN-USA launched the BRIDGE (Building Respect through Internet Dialogue and Global Education) in the summer of 2002 to expand online project work among schools in the US and countries with significant Muslim populations. The BRIDGE Program later became a key element of the Global Connections & Exchange (GCE) Program, sponsored by the Bureau of Educational and Cultural Affairs, US State Department. From 2002-2009, iEARN built a BRIDGE/GCE community of over 2,500 schools with nearly 100,000 students involved in collaborative thematic online project activities and exchange partnerships. In 2008, iEARN-USA received significant support from the Doris Duke Foundation for Islamic Art to expand BRIDGE through additional workshops and online professional development for teachers in ten of the participating countries: Egypt, Israel, Jordan, Lebanon, Morocco, Oman, Pakistan, Palestine, UAE, Uzbekistan, and the United States.²¹

Also in Morocco is Alfitra, which is a collaboratively developed online magazine supported by RABITAT el Oulemans (Ministry of Religious Scholars). The magazine hosts peer-to-peer programs as well as project with other institutions. Popular internationally, Alfitra is structured around child-led clubs in different areas. In addition to information exchanges between children, Alfitra also teaches on the topic of human dignity in collaboration with BAYTI (another Moroccan NGO).

At a government level, Morocco is engaging in a detailed plan of integrated child protection response that engages several ministries in developing a response structure. The response includes reviewing

²¹ See: <http://us.iearn.org/programs/detail/bridge-program>

had revising child protection legislation, addressing the online element, and identifying where specialized training is necessary. The initiative includes the Ministries of Education, Health, Justice, and Youth and Sports, among others.

A fundamental challenge, and arguably one of the most significant weaknesses, in these examples of good practice, and interventions that have been developed thus far, is the lack of reliable data to inform the design of the programmes, or to evaluate their impact. Where data is collected, it is limited to the reach – measured by the number of children or adults who have been trained, or received materials. It is thus difficult to make any definitive recommendations on those examples that should or could be replicated elsewhere, or taken to scale. However they do provide some examples of approaches that could be considered on the basis that they attempt to fill very obvious gaps in the prevention and response system. One of the most important considerations in exploring the feasibility of taking any of the above examples forward, should be the integration of basic data systems, however rudimentary, that might allow the assessment of impact of the approach.

4.3 An Overview of Countries' Legislative and Response Systems

The following tables provide an overview of each of the four countries' governance and oversight bodies, current national programming, status of ratification of key international instruments, domestic relevant laws, and the relevant national police units responsible for investigating crimes against children.

Table 1: Relevant national governance and oversight bodies

The table below details the national leads and multi-agency bodies on child protection, child sexual abuse and exploitation, and/or child online protection within each country, identified through the literature and validated through the country visits.

Algeria	<ul style="list-style-type: none"> • Ministry of Interior • Director General of National Security (Gendarmerie) • Ministry of National Education (MoNE) • Ministry of Awqaf and Religious affairs (MoWRA) • Ministry of Post, Information and Communication Technologies (MPTIC) • Ministry of Justice (MoJ) • National Council for the Family and Women
Egypt	<ul style="list-style-type: none"> • National Council for Children and Motherhood (NCCM) – Child Protection Committees sit underneath the NCCM • Ministry of Interior (MoI) • Ministry of Communications and Information Technology (MCIT) • Ministry of Education (MoE) • Ministry of Justice (MoJ)

	<ul style="list-style-type: none"> • Ministry of Youth and Sports – does not yet have a clear role in child protection but has the potential to address online safety issues • National Telecommunications Regulatory Authority (NTRA)
Jordan	<ul style="list-style-type: none"> • Ministry of Social Development (MoSD) • Ministry of Health • Council for Family Affairs • Ministry of Awqaf and Religious affairs (MoWRA) – in collaboration with UNICEF • Public Security Directorate (PSD) including Family Protection Directorate and Juvenile Justice Directorate , Juvenile Police Department • Criminal Investigations Department
Morocco	<ul style="list-style-type: none"> • Ministry of Women, Family, Solidarity, and Social Development (MSFFDS) • Ministry of Justice & Liberty • Ministry of Education • Ministry of Interior • Ministry of Youth • Ministry of Industry, Commerce, and Investment in Digital Economy • National Ministry for the Control of Personal Data • National Human Rights Council • Ministry of Health • Director General of National Security (Gendarmerie) • Rabita Mohammedia des Oulemas (Religious Scholars)

Table 2: Relevant current national programmes

As detailed in section 4.1 and 4.2 above, there is varied levels of response at a national level within countries. While there are some examples of targeted programmes and activities focusing purely on child online exploitation, it is also addressed indirectly through broader child protection and child safety programming, and through initiatives facilitated by the private sector and civil society. The table below provides a list of national programmes on child protection, violence against children, child sexual abuse and exploitation, and/or child online protection

Algeria	<ul style="list-style-type: none"> • National Plan of Action to End Violence against Children • National Framework for Handling Online Child Protection • NADA Network • Algerie Telecom • UNICEF Algeria in partnership with L'École Supérieur Informatique (ESI)
Egypt	<ul style="list-style-type: none"> • National Plan of Action against Human Trafficking • National Committee for Child Online Protection • Children in Islam in partnership with UNICEF • Article 80 – The Rights of the Child outlined in the Egyptian Constitution

	<ul style="list-style-type: none"> National Strategy on Online Child Protection informed by UNICEF's Framework for Action on Online Child Protection National Coordinating Committee for Combatting and Preventing Trafficking in Persons Child Trafficking Unit – in the National Council for Childhood and Motherhood
Jordan	<ul style="list-style-type: none"> National Framework for Handling Child Protection
Morocco	<ul style="list-style-type: none"> National Observatory on Children's Rights (1994) National Framework for Child Protection Alfitra – supported by Ministry of Religious Affairs BAYTI - NGO

Table 3 provides an overview of each country's status in relation to the key international instruments discussed in Section 3 above, and in more detail in the accompanying literature review. As the table depicts, while all countries are signatory to the Convention on the Rights of the Child, the OPSC, the ILO Worst Forms of Child Labour Convention and the Trafficking protocol, only Egypt is signatory to the Optional Protocol to the CRC on a communications procedure.

Table 3: Status of ratification of key international instruments

	CRC	Optional protocol to the CRC on the sale of children, child prostitution and child pornography	Optional protocol to the CRC on a communications procedure (OP3 CRC)	ILO Worst forms of child labour convention	Trafficking protocol
Algeria	✓ with reservations	✓	✗	✓	✓
Egypt	✓	✓	✓	✓	✓
Jordan	✓	✓	✗	✓	✓
Morocco	✓	✓	✗	✓	✓

Table 4, below, provides a summary of the domestic laws that relate to online child sexual exploitation and abuse, both directly and indirectly. This includes the summary of where obligations are placed through law or policies on the ISPs.

Table 4: Summary of domestic laws relating to online child sexual abuse and exploitation

	Expressly criminalizes	Clear definition of	Criminalizes simple possession	Reporting obligation for ISPs	Criminalizes sexual grooming
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	'child pornography'	'child pornography'			
Algeria	✓	✓	✓	✗	✓ partnership between the government and INGO
Egypt	✓ Penal Code	✗	✓ Penal Code	✗	✓
Jordan	✓	✓	✓	✗	✗
Morocco	✓	✓	✓	✗	✗

Table 5 details which police or investigative units within each country are responsible for addressing crimes against children, including online child sexual exploitation, or where legislation provides for the establishment and operations of a dedicated policing and investigations unit.

Table 5: Relevant police units for investigating crimes against children

	Responsibility to investigate sex crimes against children	Cybercrime unit with mandate to investigate online child sexual abuse and exploitation
Algeria	<ul style="list-style-type: none"> 2015 Child Protection Code 	<ul style="list-style-type: none"> 2009 Cybercrimes Law 2014 Audiovisual Technologies Legislation
Egypt	<ul style="list-style-type: none"> Suppression of Prostitution act no. 10 of 1961 Child Trafficking Unit 	<ul style="list-style-type: none"> Article 95 Child law Article 116 Child law The Child Law 2006
Jordan	<ul style="list-style-type: none"> Juvenile Police Department 	<ul style="list-style-type: none"> Law of Electronic Crimes
Morocco	<ul style="list-style-type: none"> The Integrated Public Child Protection Policy (PIPPEM) 	

5. CONCLUSIONS AND RECOMMENDATIONS

5.1 Concluding Discussion

In the recommendations section below are several concrete recommendations – addressed to policy and implementation, respectively – which can serve as next steps in the development of child protection in the MENA region. Preceding these active recommendations are broader observations on the values that underpin them.

First, this research has emphasised the importance of balancing the risks and harms of ICT use by children against the opportunities provided by the same. In short, the existence of SEC Online should not be taken as grounds for the elimination, restriction, or prevention of child ICT use—though, currently many parents, schools, and other authorities are opting for risk-averse strategies that limit or even ban children’s access to ICTs. For one, the opportunities for education and personal development through ICT use have been recognised internationally as a critical component of basic human rights.²² However, embracing ICT use is not only about personal development. While network technologies have opened up new avenues of child sexual exploitation, they also provide some of the most promising means for documenting and preventing it. Those children who are most digitally literate (read: most active online) are likely to be less vulnerable to certain online risks. This attitude has already been expressed by at least one expert in Morocco, who advocated that the government ‘use the internet as a prevention tool instead of fighting it.’

Online technologies are also fertile sources of data collection. Being able to capture granular data on the sources and nature of current SEC Online is one prerequisite to preventing it in the future. Finally, all of the MENA countries studied already have some form of national campaign for ICT development. Thus, to simultaneously have a protection plan based on limited use of ICTs and a development plan based on the increased access to ICTs is a crucial contradiction at the level of policy.

The impulse to attempt child protection online through limitation of access is likely related to common regional perceptions of the true harm of ICT use. Many stakeholders discuss the risks associated with children proactively accessing pornography online. This is seen as a degradation of moral standing, and is inconsistent with cultural and religious values. However, concern over such access is not strictly consistent with international conceptions of child sexual exploitation. This broad ‘anti-porn’ sentiment is part of a larger lack of specificity between extreme cases of SEC Online and more ‘everyday’ instances of the same. Where legislation or policy is created to address one version of crime – the use of the internet by an adult to coerce a child into prostitution, for instance – it should be careful to not inadvertently criminalise children in less extreme cases—such as various incarnations of ‘sexting.’

Sexting is a particularly challenging phenomenon to address. In many cases, sexting can form the naturalised basis for sexual exploitation, where children directly exchange nude photographs for money or other resources. However, it can also be a consensual part of early romantic relationships for children that only later transition from consensual to exploitative. Thus, legal provisions against sexting as such will almost always contain difficult questions about consent—questions that will be

²² See: OHCHR Human Rights Committee: General Comment 34 on Article 19, <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

impacted by the region's history of judging consent in cases of sexual crime. One possible solution to this could be to re-conceptualise the practice of sexting to focus not on the behaviour of the image-producing child, but on the behaviour of the image-abusing other party (whether adult or child) as a form of 'grooming' that need not involve an offline component.

Addressing inadvertent criminalization around sexting is part of the underlying importance of creating a safe space for education, reporting, judicial treatment, and redress for all children in the region. The careful crafting and application of child protection laws, the development of 'child-friendly' courts, and the facilitation of psychosocial support services for children should be accomplished for all children. It is likely that such safe spaces will require greater communication between the institutions and stakeholders of the MENA region.

Inconsistency in the application or interpretation of laws, values, or international standards can be greatly detrimental to the experience of individual children. Particularly when it comes to transnational cases such as CSAMs, live streaming, and online grooming cases, there is a need for consistency both in terms of harmonizing national laws with international standards, and also in terms of implementing national laws in urban and rural areas. Typically perpetrators of SEC Online, in cases where they are not known to the child, have taken advantage of known gaps in national legal systems, and have targeted children in local areas where law enforcement is known to be weaker, to exploit children. This means that children in countries without robust legislation protecting children from SEC Online, and children in areas where the law is not effectively implemented, may be the most vulnerable to SEC Online.

From a child rights based perspective, the State has a duty to protect children from SEC Online, and consequently police, social workers, the judiciary, and psychosocial support workers, are all duty bearers who must be trained so that they can effectively implement the law. The child rights based approach puts children's positive rights on an equal footing with children's rights to protection from abuse. This means that States also have a duty to promote children's rights to education, participation, and access to information, all of which may involve engagement with the internet and social media. As duty bearers, teachers and educational policy makers play a key role in realizing these children's rights.

Inter-communication between department, ministries, and institutions could also serve as the basis for broader and more standardised data collection. For one, the systems that exist need to make allowances in their existing data collection for online-specific instances of child exploitation or protection.²³ However, in addition to adding specificity to data gathering about the existence and nature of these types of crime, two other types of data will be invaluable. First, data should be gathered on the effectiveness of existing child protection efforts. Second, data should be gathered on child ICT use and access—collecting a qualitative understanding of how these technologies are integrated into the everyday practices of the region's children.

Finally, it should be reiterated that it is strongly suggested that this report, and the recommendations presented below, be read in conjunction with the comprehensive literature review that was

²³ Some of this work is already being done at the international level. The CDC's ongoing study of violence has recently added an online dimension to their data collection. See: <http://www.cdc.gov/violenceprevention/vacs/>

undertaken for this study, rather than in isolation from the broader discussion of children, ICTs and online protection in the MENA region.

5.2 Policy Recommendations

1. Comprehensive national strategies and programmes should be developed to both promote digital literacy and digital citizenship. Provision for this should be prioritised within the national policy agenda in each country and trickled down to widespread implementation modalities.
2. While the legislative and policy framework across the four countries generally reflect the values inherent in the CRC and the OPSC, there are some exceptions. Where possible, therefore, laws should be updated or amended to support the values of international instruments like the CRC and OPSC. As proposed by INTERPOL and the SRSG, and in the interests of promoting international consistency in legal frameworks, the Budapest and Lanzarote Conventions should be used as guidance for drafting law and policy in relation to SEC Online.
3. Where new policy processes are underway to address child protection more broadly, such as the drafting of integrated child protection policies, they should take into account the need to integrate child online protection. This route may be preferable to the drafting of new legislation and dedicated child online protection policies for a number of reasons:
 - a. Legislative review policies are lengthy, and by the time new legislation is drafted, new priorities, concerns, and forms of violence relating to new technology may have emerged. This is an inherent challenge with any policy or legislation seeking to keep pace with the rapid pace of technological innovation;
 - b. There is substantial literature (as reflected in the accompanying comprehensive literature review) that document the shared vulnerability to online and offline child abuse and exploitation, as well as shared positive intervention outcomes online, to offline prevention strategies;
 - c. Jurisprudence can provide the technical and interpretive clarification in line with both national legislation and international conventions and obligations;
 - d. However, all legislative reform processes are lengthy and so other strategies should be adopted to allow existing laws to be applied to new cases of crime. Updates of policy, tweaks to jurisprudence, and better education about existing laws can all help a criminal justice system respond more quickly to the rapid pace of technological change.
4. As countries develop early childhood development (ECD) policies, and build the capacities of the state to provide ECD services, basic safety messaging and positive parental mediation of ICT usage can be built into these new programmes, thus ensuring that new parents are familiar with key messages, and how their young children may use technology. These programmes can

also guide parents on how best to create a space where young children can share and speak about their online experiences as they become digitally literate themselves.

5. Provision should be made for child-friendly justice systems, for both victim and child perpetrators of SEC Online. These include child-friendly courts, adequate and appropriate psycho-social support, and the protection of witnesses. In all instances, the best interest of the child, in line with international conventions, should be paramount.
6. Education and related policies should also be assessed to determine whether appropriate allowance is made for handling both cases of child exploitation and the promotion of digital citizenship and safe internet messaging within curriculum, school policies, and educational frameworks. Explicit reference to online safety should be made in school safety frameworks, policies, and strategies.
7. The penal code in each country should be updated to reflect emerging forms of violence and abuse.
8. The issues of CSAMs, live streaming online, and transnational grooming, should be addressed separately from peer-to-peer forms of SEC Online. Furthermore, CSAMs – which are universally rejected on a moral basis - should be addressed by separate child-focused legislation and not included as a sub-section of legislation aimed at regulating pornography or ‘obscene’ materials in general, to avoid the risk of being lost in controversial debates about other issues related to morality.
9. There is a need for government to increase advocacy and mobilise civil society to address honor ideology which prevents children from reporting cases of SEC Online, and which exacerbates the consequences of such crimes, particularly for girl children.

5.3 Intervention Recommendations

At an intervention level:

10. Comprehensive, specialised, and rigorous training for duty bearers in the criminal justice system should be provided on the extent and forms that online child exploitation takes, on the identification of symptoms, on case management, on detection and investigation, and on appropriate sentencing.
11. Similarly, training for social workers, for child protection officers, and for educators, should be provided that covers all the forms of online child exploitation and abuse, the relationship between online and offline abuse, and the appropriate handling of cases, including what to do when instances are reported by adults and children.
12. National level case management protocols should be developed, mapping out the referral pathways and roles and responsibilities of all those involved in preventing and responding to cases of online exploitation.

13. Religious institutions should be investigated as potential vectors of education to adults and children alike. The widespread systems of communication possessed by many religious institutions could effectively supplement governmental educational structures, and could facilitate the widespread dissemination of key educational messages.
14. Adequate support should be provided to civil society service providers which offer psycho-social support to victims of child online exploitation.
15. The widespread lack of data on children's access and use of the internet and ICTs, on their knowledge and awareness of both the risks and opportunities, on actual experiences of risks encountered online, and of all forms of online violence, from cyberbullying to child sexual exploitation, should be addressed (this recommendation cuts across both the policy and intervention recommendations):
 - a. National baseline data should be collected from both parents and children on their knowledge of and attitudes toward ICTs, and to the full range of children's online experience, both positive and negative. This should be used to illuminate the full extent of various forms of adverse online experiences, from sexting, to cyberbullying, to exposure to online child abuse images;
 - b. Data should be collected on the consistency with which existing laws are being applied in individual cases. Stakeholder claims that legal decisions may vary between urban and rural settings indicates the importance of on-the-ground data as to the effectiveness of existing laws;
 - c. National programs should be created for the collection of data on all forms of internet use in order to create a base of knowledge for state development plans and civil society, as well as child protection;
 - d. Existing data systems already institutionalised within governments could be adapted to include data on key indicators relating to online exploitation. Examples of this could include the incorporation of school-based data on cyberbullying or sexting in Education Management Information Systems (EMIS).
16. Communication mechanisms between the various departments, ministries, and organizations that provide child protection should be developed. These should extend beyond intra-departmental coordination to inter-departmental coordination. This might take the form of a consolidated point person or department for child protection issues, or it might be the support and development of systems of exchange between existing stakeholders. At a minimum, standardised systems of referral and support should be provided between the different ministries and departments. Where existing inter-agency child protection forums or structures exist, online child protection could be integrated into these structures—avoiding the duplication of structures.
17. Partnerships should be explored between the relevant National Ministries and international technology corporations such as Microsoft and Google, several of whom offer technical support and software to aid in the identification of, and investigation into, online abuse images and exploitation.

18. Standardised programmes to promote digital literacy and digital citizenship should be integrated into all primary and secondary school curriculum across countries and be made mandatory. Where possible, innovative mechanisms should be developed to facilitate this, such as the use of technology itself to transmit core messaging.

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
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Enablers	Capabilities	Outcomes
Cross sector, multi-disciplinary collaboration	Policy and Governance  <ol style="list-style-type: none"> Leadership: An accountable National Governance and Oversight Committee Research, Analysis and Monitoring: National situational analysis of CSEA risk and response; measurements/indicators Legislation: Comprehensive and effective legal framework to investigate offenders and ensure protection for victims 	Highest level national commitment to CSEA prevention and response Comprehensive understanding of CSEA within the highest levels of government and law enforcement. Willingness to work with, and co-ordinate the efforts of, multiple stakeholders to ensure the enhanced protection of victims and an enhanced response to CSEA offending.
Willingness to prosecute, functioning justice system and rule of law	Criminal Justice  <ol style="list-style-type: none"> Dedicated Law Enforcement: National remit; trained officers; proactive and reactive investigations; victim-focused; international cooperation Judiciary and Prosecutors: Trained; victim-focused Offender Management Process: Prevent re-offending of those in the criminal justice system nationally and internationally Access to Image Databases: National database; link to Interpol database (ICSE) 	Effective and successful CSEA investigations, convictions and offender management Law Enforcement and judiciary have the knowledge, skills, systems and tools required to enable them to perform victim-focused investigations and secure positive judicial outcomes. CSEA offenders are managed and reoffending prevented.
Supportive reporting environment	Victim  <ol style="list-style-type: none"> End to end support: Integrated services provided during investigation, prosecution and after-care Child Protection Workforce: Trained, coordinated and available to provide victim support Compensation, remedies and complaints arrangements: Accessible procedures Child Helpline: Victim reporting and support; referrals to services for ongoing assistance 	Appropriate support services for children and young people Children and young people have access to services that support them through the investigation and prosecution of crimes against them. They have access to shelter; specialised medical and psychological services; and rehabilitation, repatriation and resocialization services.
Aware and supportive public and professionals, working with and for children	Societal  <ol style="list-style-type: none"> CSEA Hotline: Public and industry reporting for CSEA offences - online and offline; link to law enforcement and child protection systems Education Programme: For: children/young people; parents/carers; teachers; practitioners; faith representatives Child Participation: Children and young people have a voice in the development of policy and practice Offender Support Systems: Medical, psychological, self-help, awareness. 	CSEA prevented Children and young people are informed and empowered to protect themselves from CSEA. Parents, carers, teachers and childcare professionals are better prepared to keep children safe from CSEA, including addressing taboos surrounding sexual violence.
Sufficient financial and human resources	Industry  <ol style="list-style-type: none"> Notice and Takedown Procedures: Local removal and blocking of online CSEA content CSEA Reporting: Statutory protections that would allow industry to fully and effectively report CSEA, including the transmission of content, to law enforcement or another designated agency Innovative Solution Development: Industry engagement to help address local CSEA issues Corporate Social Responsibility: Effective child-focused programme 	Industry engaged in developing solutions to prevent and tackle CSEA The public can proactively report CSEA offences. Industry has the power and willingness to block and remove online CSEA content and proactively address local CSEA issues.
National legal and policy frameworks in accordance with the UNCRC and other international and regional standards	Media and Communications  <ol style="list-style-type: none"> Ethical and informed media reporting: Enable awareness and accurate understanding of problem Universal terminology: Guidelines and application 	Awareness raised among the public, professionals and policy makers Potential future offenders are deterred. CSEA offending and reoffending is reduced.
Data and evidence on CSEA		

Appendices

Appendix 1: The #WeProtect Model National Response

RESEARCH INTO CHILD ONLINE PROTECTION IN THE MENA REGION

Summary

The Centre for Justice and Crime Prevention (CJCP) has been appointed by UNICEF MENARO to undertake a regional research study on child online protection in five countries in the MENA region: Algeria, Jordan, Egypt, Morocco and Tunisia. The study will be conducted between March and May 2016. The research **will map, review and identify gaps in the legislative and policy environment relating to child online protection** within each country, in order to provide **concrete recommendations on how to strengthen the prevention and response systems**.

The Issue

Like many other regions in the world, the countries in the MENA region are experiencing exponential growth in communication and information technology (ICTs). With this growth, comes both increased risk and opportunities for children. There is very little data on how children access and use ICTs and social media in the MENA region, on their experiences using the internet, on how child online sexual exploitation and other online risks are experienced in the region, and on how countries can and can, best respond both to prevent and to respond, to child online sexual exploitation.

Key Questions

The research team will focus on three sets of questions in undertaking the research:

1. **Law and policy**
Do existing laws, regulations, and policies work to enable or prevent the sexual exploitation of children online?
2. **The ICT (information and communication technologies) industry**
Do ICT industry protocols and practices encourage or constrain the online sexual exploitation of children?
3. **Social and cultural contexts**
What social and cultural factors make a child vulnerable to online sexual exploitation? How are institutions responding to the problem?

Research Approach

A comprehensive desktop component will be conducted, and includes a wide legislative and policy review. The review will locate country initiatives within broader international child rights and child protection instruments and conventions. The study will also explore current literature on vulnerability and online exploitation, all within the a broader rights framework.

The desk review will be followed by in-country visits to the selected countries, These visits will entail a series of in-depth interviews and focus group discussions with key stakeholders at a national, regional and local/community level. These stakeholders will be drawn from a range of :

- government Ministries, including but not limited to Telecoms, Social Welfare/Development, Children, Health, Justice, and national Police agencies;
- international and local NGOs;
- UN agencies;
- the private sector (with a particular focus on the telcom operators and ISPs);
- regulatory bodies; and
- inter-agency or inter-sectoral partnerships that have been established to address child online exploitation, and promote child online safety.

About the Centre for Justice and Crime Prevention

The CJCP is a South-African-based Non-Governmental Organization that undertakes high quality epidemiological and qualitative research relating to crime and violence prevention, with a particular focus on children and youth, both in South Africa and in the region. The organization embeds its work within a **research-to-practice** paradigm, and implements site-based integrated demonstration projects where best-practice research interventions are applied and evaluated. The CJCP works closely with policy makers to ensure that the findings of its research are utilised at a policy and legislative level, thus promoting evidence-led policy making.

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More Information on the CJCP can be found on the website: www.cjcp.org.za and www.cyberbullying.org.za

More information on the #WePROTECT Initiative can be found here: www.weprotect.org.

RESEARCH INSTRUMENTS – IN-DEPTH INTERVIEWS

A. Introduction, explanation, informed consent

B. Policies and Legislation

1. What government legislation or policies are you aware of that **protect** children online, if any?
2. What policies or legislation are you aware of that **promote** opportunities and the rights of children online, if any?
 - a. Are these sufficient in your opinion?
 - b. Do they achieve what they set out to do?
 - c. Are there any gaps, or contradictions, in current legislation, that you are aware of?

C. Roles and Responsibilities

3. Are you aware of any task forces or inter-agency/ministry committees or working groups that have been established to address child online exploitation, or any other forms of adverse online experiences that children might face?
4. Can you tell me what your Ministry/Department does in relation to child online protection, or any other child online work (both to keep children safe, and to promotion of ICT usage)?
5. In addition to any of the above inter-sectoral committees (if any), are there any other partnerships between agencies and institutions that focus on prevention, or responding to, child online sexual abuse or exploitation? Are there any partnerships between government and the corporate sector/civil society?
 - a. If yes, how well do these work?
 - b. What is their mandate?
 - c. What have they achieved?
 - d. How long have they been operational?

D. Attitudes, Knowledge, Perceptions

6. Do you feel that online sexual exploitation is a problem in the country? On what do you base this – is there any data available?
 - a. If yes, does this only happen online, or does it cross the online-offline divide, ie. Are children who may not be online, affected by this?
7. Are there particular factors, at a local, regional or national level that facilitate online sexual exploitation, abuse, or violence?
8. What do you think are the most important factors driving online exploitation and abuse, and other adverse online experiences, in the country?
9. Are some children more vulnerable to online sexual exploitation (and other adverse online experiences) than others? Please explain.
 - a. If yes, do you think this vulnerability changes over time?
10. What do you think can be done to make the internet safer for children in the country?

E. Interventions, Practices, Response

11. Are you aware of any effective programmes that are run to:
 - a. Prevent online exploitation?
 - b. Respond (provide services) to online sexual exploitation, or any other form of online exploitation or abuse?
 - c. Are there any initiatives to collect data on what happens online (explain)?
 - i. If yes to any of the above, can you tell me who is responsible for them (government (who), industry, NGO's, religious or cultural groups)?
12. FOR INDUSTRY ONLY: Is there collaboration between the corporates within the country in addressing online exploitation (do you work collectively)?
 - a. What do you think the role of ISPs should be?
 - b. What is the role of industry regulators (if there are regularity bodies) in dealing with online sexual exploitation?
13. Is there a role, and if so what should this be, for local and religious structures?
14. Do schools and the education system have a role to play in online safety, and in building responsible online behaviour (digital citizenship)?
 - a. Are lifeskills/life orientation/sex ed taught in the classroom? Does the curriculum address online safety at all (should it, if not?)
15. Finally, what do you think the key messages should be for children in Jordan/Egypt/Tunisia/Morocco/Algeria regarding internet safety.

Appendix 4: RESEARCH INSTRUMENTS – FOCUS GROUP DISCUSSIONS

A. Introduction, explanation consent

B. Policies and Legislation

1. What government legislation or policies are you aware of that **protect** children online, if any?
2. What policies or legislation are you aware of that **promote** opportunities and the rights of children online, if any?
3. Is child online sexual exploitation, child abuse images, clearly defined under current legislation?

C. Access and Usage

4. What do most children in COUNTRY use the internet for? How do they usually access it, on desktops or laptops, or via mobile phones or other mobile devices?
 - a. If on desktops and laptops, their own, or schools/libraries/internet café's etc.
5. What do you think the main safety concerns for children online are?
6. Are some children more vulnerable to online sexual exploitation (and other adverse online experiences) than others? Please explain.
 - a. If yes, do you think this vulnerability changes over time?

D . Interventions, Practices, Response

7. Who do you think is primarily responsible for keeping children safe online? (if parents, probe as to roles, similarly ISPs/service providers)(if government, who in government)
8. Where do children get most of their information on online safety, if they do at all?
 - a. Are lifeskills/life orientation/sex ed taught in the classroom? Does the curriculum address online safety at all (should it, if not?)
9. What role should government play? If not already mentioned probe for regulation versus opportunities
10. Are there any other partnerships between agencies and institutions that focus on prevention, or responding to, child online sexual abuse or exploitation? Are there any partnerships between government and the corporate sector/civil society?
 - a. If yes, how well do these work?
 - b. What is their mandate?
 - c. What have they achieved?
 - d. How long have they been operational?

STAKEHOLDERS TO BE CONSULTED (full list to be compiled per country; allocation of FGD and/or in-depths may vary between countries based on numbers, availability, timing etc.)

- Combination of :
 - government, at minimum: social protection/development/welfare, Children's Ministries; Education; Health; Communications; Justice; National Law Enforcement; any specialised task teams or prosecuting authorities; regulatory bodies (in-depth interviews)
 - Civil society: women and children's groups; child protection agencies; community projects/intervention groups (if any); Reporting lines (if any) (FGD);
 - Private sector: local service providers, if representatives of corporates (Twitter, Facebook, Google, Microsoft etc) at a country or regional level (FGDs/in-depth interviews)
 - IF access to parents or children's groups through existing UNICEF programming (FGD).
 - UN/INGOs: UNICEF, UNHCR, UNODC, Save, Plan, CARE, ActionAid, Terre Des Homme, PRI, plus country-specific organizations (see list).