Child Online Protection in the MENA Region

Desktop Literature Review

05 August 2016

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CHILD ONLINE PROTECTION IN THE MENA REGION

DESKTOP LITERATURE REVIEW

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17 June 2016

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ACRONYMS

ACCD	Arab Council of Childhood and Development
CAM	Child 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
DRAFT DESKTOP LITERATURE REVIEW

1 INTRODUCTION AND CONTEXT OVERVIEW

In February 2016, a team of international experts led by Patrick Burton of the Centre for Justice and Crime Prevention and Dr. Monica Bulger of Data & Society Research Institute was commissioned by the UNICEF Middle East and North Africa Regional Office (UNICEF MENARO) to undertake a study exploring online child sexual exploitation within a broader framework of child protection in five countries in the MENA region: Algeria, Egypt, Jordan, Morocco, and Tunisia.[1] The study is intended to look in detail at existing legislation and policy at a regional and national level, bring together whatever data exists relating to online child sexual exploitation and child online protection initiatives, identify promising practices, and make detailed recommendations on prevention, response, and data needs. The goal of this work is to enhance countries' readiness to address online exploitation in a way that recognises and entrenches the rights and opportunities that are available to children through access to the internet and the online world. This desktop review is the first of three products in this study and covers the current understanding of online child sexual exploitation globally through: a review of the literature on child online victims and perpetrators balancing risks and harms; an assembly of international and regional frameworks for actions to prevent online child sexual exploitation; an overview of the legal and justice contexts in the region; and summary of specific national responses.

BACKGROUND

Information and Communication Technologies (ICTs) are now an integral part of children's everyday lives. While much of the growth in the use of ICTs over the past decade has occurred in developed countries, there is exponential growth taking place in developing countries as more and more children, in particular, come online. Countries such as Algeria have seen exponential growth in the number of users of mobile phones, for example, over the past seven years (see table below). Access to the internet, however, is markedly varied between the countries under consideration: while Algeria report that 18.1% of the population use the internet, in Egypt, over 50% of the population are reported as internet users (Internet World Stats 2016).

While there are no precise, recent statistics on the number of **children** online in the five study countries – Jordan, Tunisia, Morocco, Egypt and Algeria – data from the International Communications Union (ITU) show that one in three in the Arab States are online, and that 20.7% in Africa are online, with that number rising exponentially.[2] While there is no data on the%age of these users who are children, Livingstone, Carr, and Byrne (2015) argue that one in three children are now online globally,

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[1] While the original mandate for this project included all 5 countries, during the course of investigation Tunisia chose to opt-out of the study. Several references to Tunisia remain in this report, given its relevance to the region, but specific work on its national response has not been collected.

[2] Very dated research on broad level trends on access and usage are available through reports, such as ECPAT International's 2008, "Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Jordan," and similar (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 extremely outdated and thus of limited relevance.

and that, increasingly, children under 18 are as likely to be online as those over 18 years of age. The well-being and safety of children online is thus becoming increasingly important. Yet, as more and more children come online and engage with the internet both as users and generators of content themselves, as children start to reap the range of benefits that access to ICTs and the internet provide, so too is there substantial evidence of a range of risks to which they are exposed, not least of which is online sexual exploitation (Livingstone & Helsper 2010).

Recognising the risks faced by children, in December 2014 the UK Government convened the #WePROTECT Children Online Summit to mobilises relevant actors in strengthening global efforts to combat online sexual exploitation. It is within this context that the UNICEF Global Programme to build capacity for tackling online child sexual exploitation is being implemented in 17 countries across six regions, with both regional and global engagement.

It is within this context that UNICEF MENARO has commissioned an international team of experts, led by the Centre for Justice and Crime Prevention, to undertake a regional study to provide recommendations to government on how to strengthen detection and responses to any form of online sexual exploitation, including sexual abuse and exploitation, through their national child protection system. It is understood that this study will contribute to the achievement of Workplan Output 1.8: **targeted countries in the region adopt and/or implement strategies and policies to improve child protection**, and more specifically, **provide targeted support to selected countries to end violence abuse and exploitation.** This work will ultimately lead to a better understanding of children's experiences, risks and harms, and challenges faced online, as well as the opportunities available to them. This, in turn, will be used to inform concrete country-level policy and legislative recommendations. The research will also contribute to the development of a body of evidence on children's online usage, risks, and harms in the five countries and larger region, leading to better evidence as a prerequisite for the development of future evidence-based policies.

Table 1. Overview of each country, access and relevant legislation relating SPECIFICALLY to online exploitation/protection

Country	Country profile and general population	Telecommunication/Cell phone access and usage by the population	Online child sexual exploitation
Algeria	• Area, 2.4 million sq (919,595 sq miles) • The country population is 39.542,166 million (2015) • Major languages are Arabic, French and Berber. • Algeria is classified as an upper middle income country by the World Bank	• Algeria has 25 million mobile phone subscribers (2013), compared with just 54,000 seven years ago (http://www.balancingact-africa.com/news/en/issue-no-384/telecoms/algeria-reaches-25-m/en#sthash.zj5Oovl9.dpuf) • Main telephone lines in use as of 2004 were 2.288 million. The best telephone service is found in the north of Algeria which is the main tourist region. • The penetration rate has now reached 75% of the population • Algeria has 7, 153,178 internet user as of Dec 31, 2014, 18.1% of the population, per Internet World Start (IWS) (http://www.internetworldstats.com/africa.htm#dz) • Interned speed in Algeria is one of the slowest in the world with 200-270 kb/s • Government regulations permit controls on Internet access and monitoring of content	• Specific legislation on **child online protection** has been enacted through the following instruments: -The Criminal Code (Article 303, 324-344 and 347) -Law to prevent and combat ICT crime (Article 12).
Egypt	• Area, 1 million sq km (386,874 sq miles) • The Country Population is 88,487,396 (2015) • Main language is Arabic • Egypt is classified as an lower- middle income country by the World Bank	• Number of cell phone users in Egypt is 92 million, with a prevalence rate of 113%, and an annual increase of 27.8% (Ministry of Communications and Information Technology 2012) • Egypt has 48,300,000 internet users for Dec 31, 2014, 544.6% of the population, per Ministry of Communication & Information Technology (MCIT) (http://www.internetworldstats.com/africa.htm#dz).	• Specific legislation on **child online protection** has been enacted through the following instrument: Child Act (Article 96 and 116); Penal Code (Articles 306(a) & 306(b)).
Jordan	• Area, 89,342 sq (34,492 sq miles) • The Country population is 6,623,279 (2015) • Main language is Arabic • Jordan is classified as an lower- middle income country by the World Bank	• 50% of households have at least one main line telephone. • 103% of the population has a cell phone; 15% have more than one. • Telephones - main lines in use: 622,600 (as of 2003) Telephones - mobile cellular: 6,250,000 (as of September 2010) (http://en.ammonnews.net/article.aspx?articleNO=10138#.VlcQLnYrLcc) • Jordan has 5,700,000 Internet users on Nov 2015 , 86.1 penetration, per Petra (Country telecommunication)	• Jordan does not have any national legislation pertaining to child online protection (https://www.itu.int/en/ITU-D/Cybersecurity/Documents/Country_Profiles/Jordan.pdf).
Morocco	• Area, 710,850 sq km (274,461 sq miles) • The Country population is 33,322,699 (2015) • Main languages are Arabic & Berber (official), French, Spanish • Morocco is classified as lower-middle income country by the World Bank	• Morocco has 36.55 million mobile phone users (https://sites.psu.edu/northafricacomm410/2013/12/09/mobile-phones-in-morocco/) • 20, 207,154 Internet users on Dec 31, 2014, 60.6% of population, per IWIS	• Specific legislation **on child online protection** has been enacted through the following instruments: -The Criminal Code (Article 483,497 and 503)

Source: CJCP (2016), Proposal to UNICEF MENARA: Chile Online Exploitation in the MENA region, updated July2016

UNDERSTANDING THE PROBLEM

Access to and use of ICTs and social media opens up a range of services to children, including education and health services, particularly in areas and countries where access to these and other social services might be limited. The Special Rapporteur to the Secretary General on Violence Against Children (Pais 2015a) has clearly stated that "connectivity is a fundamental human right since it enables children to learn, work, connect, experience cultural activities and become citizens of the world," thus recognising the range of rights and opportunities that ICTs and connectivity offer and facilitate.

However, while ICTs and access to the internet have opened up a wealth of opportunities and possibilities for children, particularly in developing nations, they come with increased exposure to different forms of risk. Care needs to be taken to ensure that in responding to the increased or new risks that children face as they increasingly come online that the opportunities that exist through technology are not missed (SRSG 2014). As the body of knowledge grows on online risks, there is worryingly little evidence on the harms that result from exposure to these risks, and indeed, a lack of consensus on what constitutes harm or how to measure harm (Slavtcheva-Petkova, Nash, & Bulger 2014). This differentiation between online risks and harms is an essential one to make, and a greater understanding is required to ensure the development and application of appropriate policy and intervention responses. This consideration frames this analysis of the literature and the presentation of the study findings.

THE STUDY

The study has three specific objectives:

1. Review existing national legal and policy frameworks and compliance with international standards for protection of children from online sexual exploitation **within the broader context of protection of children from violence and abuse**.
2. Compile and analyse existing qualitative and quantitative data on the prevalence of online sexual exploitation against children and information on **prevention/response** programmes to address the issues.
3. Identify **good practices and potential gaps**, informing country specific and regional recommendations on strengthening government's capacity and response to online sexual exploitation.

To meet these objectives the study has three discrete, but related, phases:

1. Review legislation and policies pertaining to sexual exploitation online, data and other relevant documentation on the prevalence of child sexual exploitation online, and programming practice in addressing the prevention and response of sexual exploitation online in the region.
2. Visit each of the five countries to conduct field work, including interviews with UNICEF teams, relevant government stakeholders, the private sector/industry, inter-agency/sector taskteams or collaborations, and NGO counterparts in order to map key actors and document existing practices in addressing sexual exploitation online.
3. Organises and facilitate a regional validation workshop at a technical level, and present the findings of the assignment and draft recommendations for strengthening and scaling up good practice in addressing child sexual exploitation online.

The study will result in a final report with regional and country specific recommendations on how to strengthen and scale up good practices in the selected countries.

LIMITATIONS

The study, including the current literature review, has some limitations worth noting.

It must be noted that while Tunisia was included in the initial study design, the country has subsequently been dropped from the country visits at the request of UNICEF MENARO. The desktop review will continue to include the literature of Tunisia.

2. CURRENT UNDERSTANDINGS OF ONLINE CHILD SEXUAL EXPLOITATION AT THE GLOBAL LEVEL

The following section starts to explore some of the current global discussions on child online (sexual) exploitation. It draws on some of the literature collected and presented in the project proposal, as well as reflecting more broadly some of the current research, policy directions, and challenges.

DEFINING ONLINE CHILD SEXUAL EXPLOITATION

When considering experience of children online relative to sexual exploitation, a wide range of behaviours should be considered. These may range from experiences of sexualised cyberbullying (a term which may encompass sending nasty or threatening sexualised texts or messages, posting explicit messages online, outing, badmouthing or spreading rumours related to sexual behaviour, flaming, harassment, impersonation, or cyber-stalking), online grooming and recruitment, exposure to child sexual abuse materials or other unwanted sexual content, sexting, live-streaming of sexual content.

Child sexual exploitation online, similar to offline, can involve several broad categories of abuse. **Not all abuse, however, is exploitative, while all exploitations is considered abuse.** First, adults often use online media to groom children for future contact abuse. This can include making first contact with the child and developing a relationship with them that gradually becomes more sexualised, or it can involve adults known to the child who use online media to sexualises their relationship with that child. Increasingly child sexual abuse is documented by abusers and posted online either as photos, videos, or sometimes as live streamed sex shows. Often these child abuse materials are sold online, sometimes by the child's own parents (Gillani & Masood 2015). Second, other children may use online media against their peers for cyberbullying. Third, children sometimes 'voluntarily' use online media to exchange sexual images of themselves (sexting) either with their peers, or with known or unknown adults. There is also an increasing phenomenon of children using online media to prostitute themselves in exchange for cash or consumable goods such as mobile phones or clothing.

Just as it is important to recognises that not all abuse is exploitative, but all child exploitation is abuse, so is it equally important to acknowledge that exploitation *can* have commercial gain (for example the generation of income through live-streaming of content, or the sale of child abuse images), but not all exploitation is for commercial purposes.

CONTEXUALIZING ONLINE RISK

Online experiences, including online child sexual exploitation, should not be considered in isolation from broader social dynamics and contexts. In their global review of children's internet use, Livingstone and Bulger found that the distinction between offline and online worlds is blurring and that those who are vulnerable offline are exceeding vulnerable online (Livingstone & Bulger 2013). It is thus important that prevention efforts targeting child online protection, and specifically, online child sexual exploitation, be located more broadly within the broader child protection discourse and framework. The importance of this is further reflected in statements made by the UNICEF Deputy Executive Director (Ndiaye) in 2014:

What happens in the online world is a reflection of society at large, as the dangers children face online are mirrored in the risks children face in their homes, schools and communities. Protecting children online is part of a growing global movement to keep children safe from violence, abuse and exploitation in virtual and physical life-settings everywhere.

This relationship is further reflected in much of this report, as a number of nations in the region lack online-specific legal provisions. Often older and broader are applied in ad hoc ways to online-specific crimes.

RIGHT TO PROTECTION FROM ABUSE

Because of the hidden nature of online child sexual exploitation and the unregulated setting where it takes place, policies to protect child users of ICTs from sexual exploitation should not merely be reactive. The aim should be to prevent the abuse before it takes place by building children's capacity to protect themselves when using ICTs. This approach is in line with article 19 of the Convention on the Rights of the Child on the right to protection from abuse, which emphasises States' obligation to implement, among other measures, educational initiatives to protect children from all forms of violence.

While many parents, schools, and other authorities are opting for risk-averse strategies that limit or even ban children's access to ICTs, simply restricting access (to either technology or sites and services) is not a sustainable or effective approach to protection. Education (on digital literacy and sex, health, and relationships) is key in this respect, as children need information to protect themselves and to respond appropriately to risks that they may encounter online. This entails raising their awareness of potential risks so they are able to identify them, exercise critical judgement, and make informed choices. Effective risk prevention depends in part on a child's opportunities to develop resilience and practice digital citizenship.

But while awareness-raising and training should be available to adults in children's lives (parents, legal guardians, teachers), it should not be a substitute to education specifically for children. Notably, children largely seek assistance or knowledge from peers rather than parents. Education should be given to children in an age-appropriate and gender-specific way. Also effective are awareness-raising resources that encourage constructive and open dialogue between a child and a parent or legal guardian. ICTs and online technologies should also be examined as both a facilitator of child exploitation and, importantly, as a tool for protection. To this end, 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.

ACCESS TO JUSTICE AND REDRESS

Where children experience violations of their human rights, including sexual exploitation, they must have access to justice. The Committee on the Rights of the Child states "for rights to have meaning, effective remedies must be available to redress violations." States must therefore "ensur[e] that there are effective, child-sensitive procedures available to children and their representatives." This means ensuring that children have meaningful access to the judicial system – including "access to a readily

available, prompt and effective remedy in the form of criminal, civil, administrative or disciplinary proceedings" – and any other independent complaints procedures.

In ensuring that children's online safety becomes a reality, several different but complimentary approaches are likely to be required at a national level (the following list is not exhaustive but rather indicative of the complexity of the response required). These should ideally be framed not in isolation from wider (offline) child protection and safety initiatives and approaches, but rather in relation to these broader issues:

- An appropriate and responsive policy and legislative environment
- Effective implementation of law and policy on the ground in both urban and rural areas and throughout plural legal systems
- Balancing risks and opportunities—finding ways to promote healthy, safe engagement while also protecting from potentially harmful content, contacts, and conduct (Livingstone & Haddon)
- Raising awareness for parents, educators, and community members of effective protection and prevention[3]
- Involvement from industry leaders in prevention and building safety into design
- Effective detection and prosecution systems
- Appropriate response and support systems for children.

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[3] It is particularly important that addressing stigmatization of sexual abuse victims is addressed, creating a safe space in which children can report abuse and feel safe and receive positive response and protection. This will be elucidated further in the study report

THE 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). The 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. The MNR identified 7 Enablers:

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

The MNR (attached to this review as an Annex) also identifies core capabilities that need to exist in each of the "domains" or groups of stakeholders, including policy and governance, the criminal justice system, the victim, societal, industry, and media and communications. The MNR goes further to detail the capacities required within each domain. For example, within the criminal justice system, these required capacities include: the capabilities of prosecutors, dedicated law enforcement, and the offender management process, and access to image databases.

The MNR is significant for several reasons beyond its role as a common approach to dealing with online exploitation through the support of a broad range of governments, industry, and civil society (already a substantial achievement). The MNR also 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. It also recognises that the lines between young people's online and offline experiences is increasingly blurred (Livingstone & Bulger 2013), and locates the online experiences, risks, and harms of children online within broader offline experiences. This thinking has informed the collection and analysis of literature, policy, and legislation in this review and will continue to inform the finalization of the reports on each country.

3. YOUTH INTERNET USE—BALANCING HARMS AND OPPORTUNITIES

As noted earlier, Livingstone, Carr, and Byrne (2015) predict that of the next billion people to go online globally, one-third will be under the age of 18. Globally, children are increasingly accessing the internet at ever younger ages. To date, the largest-scale studies of youth aged 9-16 have been completed by the EU/Global Kids Online network, which includes Brazil, Russia, Turkey, Australia, and 27 countries in Europe. The studies include interviews with parents and children, with over 30,000 parent/child pairs, and explore aspects of access and usage of internet and ICT use, online risks, and opportunities. These studies are being expanded to include countries in the global South, and as of April 2016 are being piloted in Argentina, the Philippines, Serbia, and South Africa. In talking to children and their

parents about youth use of the internet, research shows that those who use the internet more frequently develop more sophisticated digital literacy skills, but also encounter more risks. It is increasingly shown that children are not homogenous in the way that they respond to material and content; they respond differently to materials based on their age, environmental and family factors, as well as individual resilience factors (Livingstone et al. 2011; Mascheroni & Olafsson 2014).

In 2013, the GSMA surveyed parents about concerns related to their children's internet use. In the Middle East, parents were more concerned about children accessing inappropriate content than engaging in safe practices. In Algeria, 80.2% of parents were concerned about their children viewing inappropriate sites, versus overuse (77.1%), disclosure of personal information (61.7%), having trouble with friends (61.8%) or negative impact on health (63.4%). In Egypt, parents were most concerned about overuse (87%), and viewing inappropriate sites (87%; GSMA & NTT DOCOMO 2013). Yet, in a psychiatric study (Chérif et al. 2014) of 587 Tunisian youth aged 14-20, the majority, 82% demonstrated healthy internet habits (self-monitored how much time spent, maintained offline activities such as sports and socialising with friends), while 18% demonstrated addictive behaviour, such as internet use affecting sleep and socialising, increasing feelings of anxiety and depression.

Arguably one of the biggest fears for adults globally, and caregivers in particular, is the threat of a stranger contacting a child online, and this leading to an offline meeting where some harm might occur. 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%age 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 (Samuels et al. 2013) 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.

RISK FACTORS AND PATTERNS OF ABUSE

In a majority of cases of offline sexual abuse, the perpetrator is known to the child. Though all children can be vulnerable depending on context, research shows that children living in poverty are particularly vulnerable, as are those in care situations, living in families where parents have low education levels or lack of familiarity with internet (Campbell et al. 2010; Kleine, Hollow, & Poveda 2014). Importantly, it has also been shown that different risk factors apply to different forms of abuse, with some risk factors more significant in predicting certain forms of abuse, but not others.[4] For example, a study (UNICEF 2007) of children exploited by prostitution in Marrakesh found that 61% reported being ill-treated at home and 62% were from poor families.

Online, patterns of particular forms of behaviour tend to significantly increase the risks that are presented to children. For example, engaging in multiple forms of risky behaviours (e.g., providing personal information, sharing photographs, arranging to meet offline) tended to increase the risk of interpersonal victimization by up to 11 times (Ybarra et al. 2007). This is an important consideration to bear in mind when thinking about how best to target strategies that keep children safe and utilises

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[4] See for example, Sedlak 1997, and Thornberry, et al. 2014.

their own sense of agency while maximising opportunities. Further, there is substantial evidence that the profile of those children who are victimised and vulnerable online is consistent with the profile of offline risk-taking and vulnerability that increases offline vulnerability to various forms of harassment and exploitation (Wolak, Finkelhor, Mitchell, &Ybarra 2008). Indeed, in many ways there is little unique about the risks that are presented online and limited utility in considering these risks, and strategies to minimises them, separate from other forms of offline risks.[5] These are important caveats that need to be borne in mind when thinking about how online risk is conceptualised, as well as the responses to dealing with risk, and how to both prevent and respond to online exploitation and abuse.

OPPORTUNITIES FOR ONLINE ENGAGEMENT

While much of the focus of those concerned with child well-being has tended to be on the risks and harms associated with the use of internet and online activities, there is a growing emphasis on the promotion of opportunities, and a recognition that minimising risk does not have to come at the expense of negating or minimising opportunities. In fact, many of the risks that are perceived as such by adults can also be presented as opportunities (contact with others sharing similar interests, self-initiated collaboration and learning, social networking) (see text box below), and are often perceived as such by children.

For example, 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).

The opportunity to form relationships, to be 'connected,' while often conceptualised as risky – the risk of meeting strangers – are amongst the most common opportunities identified by children in some studies. In a recent study in South Africa, for example, young people most frequently identify inclusion and 'connectedness' as the key benefit of mobile phone use (this refers as much to the use of data services as voice services). In ongoing site-based work with marginalised communities in the same country, the opportunity to connect with children and others outside of their own community offers an exciting world which many children have never been privy to. Similarly, in a study of young women in Egypt (Poda & Webb 2014), participants reported that online communities empowered them to develop self-confidence and overcome body-image issues through discussions with other women.

YOUTH NEGOTIATION OF ONLINE RISKS

Youth report being aware of risks of cyberbullying, grooming, and online/offline relationships, but 'in many cases are willing to risk other online harms in order to feel a sense of inclusion or belonging' (Samuels 2013). Similar findings have been made earlier by boyd, et al. (2011) in the United States. In a study of Moroccan adolescents (Soriano-Ayalaa & González-Jiméneza 2014), while nearly 60% report never or almost never being supervised by an adult, they also report never or almost never being

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[5] Wolak and Finkelhor (2013) also make the essential point that online predators are not a distinctly dangerous sex offenders requiring specific programmes to protect youth; rather, when online communication is involved, online predators' crimes are highly similar to statutory rape by offenders known to the victims.

harassed on the internet, even though they claim to ignore parents' and teachers' advice about online safety practices. 60% of the teens also report they would never tell their parents if they experienced harassment online, but would instead seek peer advice. The CJCP study of South African teens found that youth proactively develop technical and interpersonal strategies to protect themselves from potential harms, a finding which challenges the perception of children as free of agency, or passive victims. Youth report using privacy settings on platforms to block unknown or unwanted contacts. They additionally use conversations, sharing of experiences, and seeking of advice and support from people they trust—most often peers. In the moving of online conversations to offline meetings, young people reported being aware of what the risks may be and developing strategies of their own to keep themselves safe (CJCP 2012; boyd et al. 2011; Livingstone et al. 2011).

The relationship between risks, harms, and opportunities is therefore not a simple one. If vulnerability transfers from offline to online, one could reasonably argue that special efforts should be made to address children who are vulnerable in any domain. This could lead to particular efforts to protect vulnerable children in order to keep them safe online which are most likely to restrict the opportunities available to them. Yet, it is for those vulnerable groups that the internet offers such potentially substantial and powerful means to overcome many of the disadvantages and vulnerabilities that they may face (Livingstone 2010). Additionally, as in offline life, vulnerability shifts, and at different points most children are vulnerable in one form or another. It is difficult to pinpoint when this may occur (e.g., bullying at school, inappropriate conduct from an adult), so preparing children through education and awareness to protect themselves and report upsetting or unwanted contact, conduct, or content has shown to be the most effective protection mechanism (Livingstone & Bulger 2013).[6]

4. CONTEXTS OF ONLINE CHILD SEXUAL EXPLOITATION

Very little information is available about online sexual exploitation of children in the Middle East. Estimating the prevalence of sexual abuse is a global challenge because most cases are never reported (Farmer 2010). In the absence of evidence from the study region, this desk review uses examples from research in other countries and information from stakeholders in each country. Field work in the region provides a starting point for identifying the types of abuse occurring, common perpetrators, the contexts in which abuse occurs, and response mechanisms for prevention and penalty.

Internationally, the strongest evidence bases for how abuse occurs are from the Crimes Against Children Research Center (US) and the Child Exploitation and Online Protection Centre (CEOP, UK). In both instances, the researchers have engaged in several in-depth interviews of convicted perpetrators. They find that perpetrators follow patterns similar to other criminals: they **exploit vulnerability** (careful selection of victims, watching children's daily habits and determining what if any support systems the child might have, and grooming them over a period of time), **intimidate their victims to not report abuse** (through threats, shaming, and coercion), and **evade detection.**[7] Cultures

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[6] The following will be further explored in the final draft: (1) Parental mediation more effective than filtering—empowering children to protect themselves and have a safe adult to report upsetting contacts, content, or conduct, and (2) Psychological commonalities of adolescents: sexualised, curious, feelings of invincibility
[7] For additional information, see: Child Exploitation and Online Protection Centre, 2012; Wolak, Finkelhor, Mitchell, & Ybarra, 2008; Wolak and Finkelhor, 2013.

where conversations about sex are forbidden or limited lend an unintended layer of protection to the perpetrator because the victim may risk stigmatization or punishment if abuse is reported. Children living in poverty, street children, and orphans are particularly vulnerable because of a lack of supervision, resources, or support.

Does Technology Change the Nature or Practice of Sexual Exploitation?

Sexual exploitation of children is a complex social problem that pre-dates current technologies. Abuse that occurs online is not simply an online phenomenon, it can combine offline with online abuse, in the case of child sexual abuse images that are distributed online or livestream video; it can begin and remain online, for example in chatrooms; or it can begin online and result in offline abuse, for example, when children are recruited in chatrooms or in social media for offline meetings. The digital dimension of sexual exploitation expands the speed with which materials can be shared, overcomes the limits of geography (making children vulnerable to international abuse), and expands the scale at which materials can be shared or perpetrators can share victims. Further, when children are accessing the internet via mobile devices, the contexts of access are expanded, allowing for access at a broader range of times and spaces, including their home and bedroom (Wolak & Finkelhor 2013). In studies of human trafficking, Latonero found that online technologies (mobile phones, social networks) potentially facilitated the trafficking of youth by connecting exploiters with victims over large geographic distances (Latonero 2011, 2012).

> **Recommendations From Plan International Longitudinal Study "Because I'm a Girl"**
>
> "While they may not appreciate the breadth of dangers from the on-line environment, girls have some awareness of potential on-line dangers, and this awareness appears to increase or decrease depending on socioeconomic background.
>
> • Experience of violence and abuse in their everyday lives off-line may cause girls to take increased risks on-line, and in many cases the girls who may take the greatest risks are the ones who do not have a guiding adult present to monitor their on-line experience.
>
> • Widespread, targeted education initiatives that engage both girls and their families or other caring adults in the locations where the girls may access their virtual world (e.g., Lan House or school) may be a positive step for improving both their off-line and on-line environments.
>
> • With the research showing that girls' on-line activity is devoted primarily to socialising and entertainment, there is a need to carve out spaces within these types of sites to help girls better protect themselves and each other, so that they safely navigate the on-line environment."
>
> *Source: Plan International 2012*

The UNODC (Commission on Crime Prevention and Criminal Justice 2014, p. 38) identifies the primary categories of online sexual exploitation as the production of CSAMs, commercial sexual exploitation, cyber-enticement, and grooming. A study currently underway in South Asia as part of the WeProtect initiative describes the flow of information and abuse as (1) the flow of child abuse materials online, (2) the relationship between perpetrators and criminal networks, and (3) the flow of money in cases involving commercial exploitation (Latonero et al. 2016). The extent to which abuse is occurring from foreign nationals, criminal networks, or local perpetrators in the MENA region is currently unclear and in need of further exploration.

Discussions of abuse assume that the perpetrator is an adult, yet peers can perpetrate abuse, and youth may exploit themselves. Youth in Brazil and Kenya report engaging in phone sex to receive minutes on their mobile phone or money to use an Internet café for gaming (Gigli & Marles 2013; Garcia de Diego 2012). Porter et al. (2016) finds that teens in Ghana report receiving unwanted

pornographic images from peers and sometimes male teachers. Yet a 16-year old girl interviewed for Porter et al.'s study reports that even though she feels harassed by the images, she accepts money for airtime from the senders. A study of teens in Bahrain found that 36% of teens surveyed had been made to feel 'uncomfortable' online, but describe cyberbullying from peers as the most frequent cause of their discomfort (Davidson & Martellozzo 2010). Additionally, while much research has focused on vulnerability of girls online (Bachan, Stevenson, & van der Gaag 2012) recent studies point to a high prevalence, particularly in the MENA region, of abuse of boys (de Marco et al. 2015).

POTENTIALS OF TECHNOLOGIES FOR PREVENTION, AWARENESS, AND EXPRESSION

While technologies expand the potential for sexual exploitation, they also provide an unprecedented record of the abuse, enabling law enforcement to monitor communications. There is potential for technologies to make visible what has otherwise been hidden, as evidenced by the volume of Child Sexual Abuse Materials (CSAMs) intercepted by Interpol and reported by social networks and other technology platforms [will add sources in next draft]. 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).[8]

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; 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, and suggests that while in the past, changes were imposed upon marginalised groups by forces outside, "the future is different voices coming together from inside to define and deal with an entire spectrum of social change…" (p. 63).

Several international studies of youth internet use are arriving at similar conclusions:

1. A large number of youth are engaging in risky online behaviours.
2. A very small%age experience sexual exploitation as a result of these behaviours.
3. Youth may not be aware of the breadth of dangers in the online space, but they have "some awareness of potential online dangers, and this awareness seems to increase or decrease depending on socioeconomic background" (Bachan, Stevenson, & van der Gaag 2012).

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[8] Particularly, image recognition (gov.uk 2014).

In considering both risks and harms, it is essential that there is an adequate understanding of vulnerability, what makes children vulnerable to harms, and what increases the chance of risks translating into actual harms. Much of the research on vulnerability had its origins in exploring the relationship between online and offline cyberbullying victimization and offender (Ybarra, Mitchell, Finkelhor, & Wolka 2007; Williams & Guerra 2007). Like the research on bullying, recent research has shown that not all children are at equal risk of harms relating to the internet, and that some children are more susceptible and at greater risk, than others.[9] Those children who are most susceptible to experience harms are those who have problems or difficulties in other areas of their lives. Similarly, some forms of online abuse predict or co-occur with other forms, and vulnerability to one form of abuse may predict vulnerability to other (often more serious), forms of abuse. Thus, for example, children who are at greater risk for offline sexual abuse are generally at greater risk of online child sexual abuse; similarly, those who are more vulnerable to neglect may also be more vulnerable to sexual abuse, both online and offline.[10]

5. POLICY & GOVERNANCE: INTERNATIONAL FRAMEWORKS FOR ACTION TO ADDRESS ONLINE CHILD SEXUAL EXPLOITATION

The combined effect of several areas of international law provides a framework for national responses to, and prevention of, online child sexual exploitation. This framework is drawn from both treaty obligations binding on State Parties to the relevant treaties and customary international law binding on all States. There are additional non-binding international standards that may be relevant. The international legal and policy frameworks relevant to the prevention of, and response to, online child sexual exploitation fall into a number of broad categories: the obligation of States to respect, protect, and fulfil child rights; the obligation of States to ensure that businesses respect child rights; the obligation of the State to ensure an effective remedy. While the State remains the primary duty bearer in respect of the rights of all persons within its territory or otherwise subject to its jurisdiction, other actors are expected to abide by principles and refrain from infringements upon rights.

Human rights laws are indivisible, interrelated, and interdependent, and therefore legislation and policy that responds to risks present online should not impinge on other rights of children such as the right to education and the right to privacy. There is a balance required in terms of both protecting children from abuse and promoting their other rights to privacy and information.

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[9] See for example: Palfrey et al., 2008 and Guan and Subrahmmanyam, 2009.
[10] See for example: Burton et al., forthcoming.

KEY INTERNATIONAL LEGAL MECHANISMS, INSTRUMENTS AND STANDARDS

UN Sustainable Development Goals

The protection of children from sexual exploitation online is addressed indirectly by three of the UN Sustainable Development Goals which require countries to: eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation (5.2); take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour (8.7); and end abuse, exploitation, trafficking, and all forms of violence and torture against children (16.2). Child protection online has also been taken up as a specific issue by the UN Special Representative of the Secretary General on Violence Against Children (SRSG), the Human Rights Council, and the Committee on the Rights of the Child.

The SRSG Global Study on Violence Against Children

In 2002, the UN Secretary General was requested to conduct an in-depth global study on violence against children following a recommendation by the Committee on the Rights of the Child (United Nations 2002). Consequently, the UN Secretary General's Study on Violence Against Children, led by Professor Paulo Sergio Pinherio, resulted in the World Report on Violence Against Children in 2006. The World Report gives an overview of the Study, and looks at violence against children (VAC) in a variety of settings, including the family, schools, alternative care institutions, detention facilities, places where children work, and communities. The World Report chapter on the community involves an analysis of "cyberspace and cyberthreats." It was reported that many contributors to the study voiced concern that children were being exposed to images of violence and male domination of women and girls on the internet through video and online games that endorse and perpetuate ideas of gender-based violence as norms and may lower sensitivity to violence.[11] During the Study, the MENA region emphasised the importance of private sector involvement in addressing child sexual exploitation, including that relating to tourism and transport industries, and the study noted that in recent years predators may be more likely to make contact with children or facilitators of child sex abuse through the internet (UNSG 2006, p. 314). The World Report also called for a focus on prevention in order to address child safety online, which would involve greater attention paid to the prosecution of offenders, as well as diversifying technology to protect children. It was noted that as part of the World Summit on the Information Society hosted by Tunisia in 2005, increased protection for children online coupled with expanded access to ICTs was included in the agenda. The Tunis agenda emphasised the importance of "incorporating regulatory, self-regulatory, and other effective policies and frameworks to protect children and young people from abuse and exploitation through ICTs into national plans of action and E-strategies" (WSIS 2005; UNSG 2006, p. 315). During the Study's regional consultations in both the East Asia and Pacific region and in the MENA region, agreement was found to be lacking within and between countries on definitions, laws, and perceptions of what is acceptable regarding ICTs and their content. It was noted that the vast potential for ICTs to spread positive and useful messages, including public advocacy and education, is under-studied and under-utilised. The World Report provided 16 recommendations for the prevention of community-based violence against and among children, which included at the societal level, recommendation 14 (p. 388): stopping "the

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[11] The reference cited in the Study at p. 312 is: Jordan, P. 2000. *Adolescent Violence in Cities from a Public Health Perspective*. Lage, Verlag Hangs Jacobs.

use of mass media and information technologies, including the Internet and electronic games, in violence against and sexual exploitation of children."

The World Report was updated in 2011 in *Five years on: a global update on violence against children* The Global Update made some additional references to child sexual exploitation online, reporting that some studies had found that the increasing availability of pornography, including through the internet, had "contributed to cultural trends that sexualise children and contribute to sexual abuse." For example, a World Vision study in Cambodia (2006) was reported to find that children were being exposed to 'hard-core' pornography from an early age, including images of violent rape, and that these children described such images as "normal." The Global Update concludes that progress worldwide in combatting VAC has been 'embarrassingly slow,' and calls for renewed commitments from States and other actors to follow-up on the recommendations of the World Report.

The Study on VAC called for the appointment of a *Special Representative of the Secretary General on Violence Against Children (SRSG),* and Marta Santos Pais took up this position in 2009, following a request from the General Assembly (United Nations 2008). The SRSG chairs the UN Inter Agency Working Group on VAC, and she is a global independent advocate for the prevention and elimination of all forms of violence against children. The SRSG reports annually to the Human Rights Council and the General Assembly, and in addition she can issue thematic reports on key areas of concern. A key area of concern taken up by the SRSG in recent years has been online child sexual exploitation. In 2014 the SRSG released a report on ICTs, the internet, and VAC, following an international consultation on the issue, and highlighted VAC and ICTs as a 'key concern' for her office.

The Arab Reports

The Secretariat General of the League of Arab States (LAS) published the *Comparative Arab Report on Implementing the Recommendations of the UN Secretary-General's Study on Violence Against Children* in 2010. The Arab Report (2010) makes 22 recommendations to consolidate and strengthen the efforts directed to reduce violence against children in the region, including "developing an Arab strategy to combat internet crimes," and "drafting a unified Arab law to address violence and child protection" (p. 162). The Arab Report finds that in general the Arab States are increasingly incorporating protection against violence into their legal systems and mainstreaming children's basic needs in legislation, although in most states national child protection mechanisms are not comprehensive. It is noted that data collection systems are still a major challenge in most Arab States, although Jordan, Tunisia, Egypt, and Morocco were conducting qualitative and quantitative studies on violence against children to attempt to address this data gap. Algeria has a database in place specialised in women and children's matters, and Jordan and Egypt are establishing databases on children. The Arab Report also finds that a key challenge in the Arab world is that the legislative environment is "not yet ready to put in place a legal framework that comprehensively protects children against all forms of violence, bad treatment and exploitation." This is found to be related to the sensitivity of the topic of child sexual exploitation, the presumption that the family and community space should be private and not interfered with, and other social taboos (p. 182). The Arab Report also finds that there is a scarcity of specialised local centres for child victims in the region, and that those which do exist tend to lack quality services and specialised human resources. However, it was noted that Algeria approved a convention on child protection in internet spaces on World Telecommunication and Information Society Day, and Egypt was commended for introducing penalties under the penal code for "the use of computers or the internet for obtaining information, animation, preparation, saving, printing,

publishing or sale of child pornography and for all acts of child prostitution and child trafficking" (p. 101).

The *Arab Report* was updated in 2013 with a *Second Arab Report* covering 2010-2012. The Second Arab Report notes that the 'Marrakech Declaration' was adopted at the Baghdad Summit in 2012 as a five year commitment by Member States to improve the situation of children in the Arab region. In order to address VAC in the Arab World, the Second Arab Report calls for: the creation and strengthening of independent national institutions on the rights of the child; the strengthening of safe reporting mechanisms; and the establishment of a system for managing data on violence. It is recommended that forms of VAC not conventionally covered should be examined, such as violence on the internet, violence among peers, and sexual violence. The Second Arab report finds that most laws on sexual violence in the Arab region do not clearly prohibit all forms of sexual violence against both girls and boys aged under 18 years. Furthermore, there is inadequate protection for victims: from multiple testimonies; from sexual offences occurring within the family; from charges being dropped when the perpetrator marries the victim; and from criminalisation of the victims. It is also noted that there is a lack of legal provisions for medical and psychological recovery services for victims. Concerns are also raised that in some cases legislation fails to adequately criminalise child pornography (LAS 2013, p. 46).

The African Regional Study on VAC

There was also an *African Regional Study on Violence Against Children* published by the African Child Policy Forum (ACBF) in 2014. Although this study focuses mainly on Sub-Saharan Africa, there are some references to the North African countries which are part of this study. The report finds that child sex tourism, child pornography, and the use of virtual images or sexually exploitative representations of children are increasing, and this is exacerbated by the spread of the internet and the globalisation of communications. Morocco is identified as a hotspot for child sex tourism, and Facebook and MySpace are cited as providing virtual spaces in which sex tourism can proliferate (ADBF 2014, p. xii, 30)[12]. The report also identifies children who are separated from their families as being more vulnerable to online sexual exploitation, as well as children living in cramped and 'poverty-stricken' urban neighbourhoods (p. 24). The African Study calls for the development of a pan-African strategy for advocacy to promote non-violent values and recommends that advocacy should target the private sector, especially service providing sectors of tourism, the travel industry, and internet and telecom service providers to ensure that protection from online child sexual exploitation is integrated into CSR policies.

United Nations High Commissioner for Human Rights

In December 2015 the Human Rights Council published a report on ICT and child sexual exploitation, including an analysis of the legal framework and identification of the different forms of child sexual exploitation online including CSAMs, grooming, sextortion, and child sex abuse live streaming (United Nations 2015). The Human Rights Council's annual full day of discussion on the rights of the child in March 2016 focused on preventing child sexual exploitation and enhancing children's protection through ICTs.

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[12] For example, online spaces and forums can facilitate in-person visits to these countries for sex tourism, or the recruitment of children into the sex tourism industry.

UN Committee on the Rights of the Child

In April 2011, the Committee on the Rights of the Child published *General Comment No. 13* on the right of the child to freedom from all forms of violence, which includes a section on 'violence through information and communications technologies' (United Nations 2011). The CRC defines child protection risks in relation to ICT as comprising three overlapping areas which include: (a) sexual abuse of children to produce CSAMs; (b) production, distribution, etc of child pornography; and (c) children as users of ICT being exposed to pornography, groomed, or actively uploading inappropriate material.

INTERNATIONAL LAW ON CHILD RIGHTS

The main international human rights instruments that are directly 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 CRC[13], and almost all MENA States are party to the OPSC, broadly without reservation.[14]

In addition, the Council of Europe Lanzarote and Budapest Conventions which are open to accession by all countries (although only Morocco has acceded to them), provide legal benchmarks to specifically address *online* child sexual exploitation, and have been cited by Marta Santos Pais (2015b) as "core references for work promoted across regions." The Lanzarote and Budapest Conventions have also been endorsed by both Interpol – of which all MENA states are members – and the Virtual Global Taskforce (VGT) – of which Interpol and the UAE are both members (VGT 2011). Specifically, Article 9 of the Budapest Convention (**child pornography**), and Articles 18 (**sexual abuse**), 19 (**offences concerning child prostitution**), 20 (**child pornography**), 21 (**participation of a child in pornographic performances**); 22 (**corruption of children**); and 23 (**solicitation of children for sexual purposes**) of the Lanzarote Convention, read together within the CRC and OPSC, provide an important set of international standards against which to analyse the domestic laws, policies, and practices of the States under study (CoE 2012a).

Investigation and Criminalisation of Offenders

In order to effectively protect children from sexual exploitation online, States must ensure that national criminal legal frameworks adequately define and prohibit the different forms of online child sexual exploitation, and that the necessary procedural rules are in place to investigate online crimes. The definition of online child sexual exploitation in international law has evolved over the past two decades. For many years, the applicable international standards and obligations lacked a specified online element and were contained in the 1989 CRC and then in its 2000 optional protocol, the OPSC.

While the specific application of protections in the context of information and communications technologies is not addressed in the text of the CRC or the OPSC, there is a broad obligation on State Parties to protect children from all forms of physical and mental violence including maltreatment, exploitation, and sexual abuse while in the care of parents, guardians, and others with a duty of care (United Nations 1989, article 19[1]). This obligation includes the duty to take all necessary legislative, administrative, social and educational measures.

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[13] See : UN Treaty Collection, MTDSG, Chapter IV, 11.

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

Article 34 of the CRC requires State Parties to undertake to protect children **from *all forms of* sexual exploitation and sexual abuse** and imposes a positive obligation to take all appropriate national, bilateral, and multilateral measures to prevent: **inducement or coercion of children** into unlawful sexual activity (article 34[a]); **exploitative use of children in prostitution** or other unlawful sexual practices (article 34[b]); and **exploitative use of children in pornographic performances and materials** (article 34[c]).

Specific protections against sexual exploitation are included in OPSC. Article 2 of OPSC defines, and Article 1 prohibits, three acts: the **sale of children** for any purpose; the **exploitation of children in prostitution**; and the **production of CSAMs**.[15] The OPSC further requires States to recognise the liability of legal persons for these offenses, which includes both individuals and companies or other legal entities. The OPSC also provides for extraterritorial jurisdiction.

The Budapest Convention on Cybercrime (Budapest Convention) was developed by the Council of Europe (COE 2001) in collaboration with several non-COE countries to address new developments in technology that have accelerated the proliferation of child sexual abuse materials (CSAMs). The Budapest Convention provides a broad and comprehensive definition of CSAMs (defined as 'child pornography') and requires criminal provisions to address the use of the internet and computer systems in the commission of sexual offenses against children.

Child pornography-related offences within the 2001 Budapest Convention include intentional production, the offering or making available, production for oneself or another and possession, in a computer system or computer-data storage medium, of child pornography (article 9[2]).

The Explanatory Report to the Budapest Convention, which provides non-binding guidance for interpretation of the Convention, notes that in many states child pornography is already illegal, and existing laws may be sufficiently broad to extend to situations involving computer networks. If existing laws are broad enough to cover such crimes, there is no requirement to amend existing offences or enact new ones. The Budapest Convention requires State Parties to provide their law enforcement authorities with procedural law powers to investigate and secure electronic evidence and to engage in efficient international cooperation.

The Lanzarote Convention includes provisions that criminalise the use of new technologies – the Internet in particular – to sexually harm or abuse children. It contains criminal provisions as well as protection measures for victims. The definition of child pornography contained in the Lanzarote Convention is based on the OPSC definition:

> *any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child's sexual organs for primarily sexual purposes.*

The definition of the **sexual abuse of a child** contained in the Lanzarote Convention (article 18[1]) is as follows:

> *Sexual abuse of a child includes sexual activities with a child who has not reached the minimum age of consent, or where the child is coerced by force or threat of force, where the perpetrator*

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[15] Also Article 35 in the CRC.

abuses a position of trust, authority or influence or where the child is particularly vulnerable owing, for example, to mental or physical disability;

The Explanatory Report to the Lanzarote Convention elaborates on "**sexually explicit conduct**," the meaning of which is governed by national standards and definitions of obscenity and morality.[16] How 'obscenity' and 'morality' are defined in the MENA region will be addressed in the final report. The Lanzarote Convention is the only international treaty to prescribe criminal penalties for all of the production, supply, distribution, and possession of CSAMs **and online access to them**. The Lanzarote Convention further creates two new offences: the corruption of children, and the solicitation of children for sexual purposes (also known as grooming). The **corruption of children** is defined as (article 22):

the intentional causing, for sexual purposes, of a child who has not reached the age set [by the State below which it is prohibited to engage in sexual activities with a child] to witness sexual abuse or sexual activities, even without having to participate.

The **solicitation of children for sexual purposes** is defined as (article 23):

the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set [by the State below which it is prohibited to engage in sexual activities with a child], for the purpose of committing any of the offences [of engaging in sexual activities with a child, or producing child pornography] where this proposal has been followed by material acts leading to such a meeting.

Technology continues to develop rapidly, and law and policy is still struggling to catch up at both an international and national level. For example, Harrell et al. argue that the phenomenon of '**live streaming**' of child sexual abuse via webcam, may not be caught by the current definitions of intent, possession, and production of child pornography (European Financial Coalition Against Commercial Sexual Exploitation of Children Online 2013). Live streaming of child abuse has found to be common in Southeast Asia for commercial purposes, but it is not clear whether this phenomenon exists in the MENA region.

Definition of a Child

Under the CRC and the OPSC a child is defined as persons under the age of 18, unless in the law applicable to the child, majority is attained earlier. The Budapest and Lanzarote Conventions also refer to the CRC definition, but require that the minimum age for children's participation in pornography should not be set lower than 16 (CoE 2001, article 9[3]). This age refers to the use of children as sexual objects and is different to the age of consent for sexual relations which can be lower.

Right to a Remedy

States Parties are obliged, under the provisions of the OPSC and under general international human rights law, to investigate allegations of violations and provide effective remedies in the case of violations. Although the special recovery needs of children who have been exploited *online* are not

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[16] "Sexually explciti conduct" must cover at least the following real or simulated acts: a) sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, between children, or between an adult and a child, of the same or opposite sex; b) bestiality; c) masturbation; d) sadistic or masochistic abuse in a sexual context; or e) lascivious exhibition of the genitals or the pubic area of a child.

contemplated within the text of the CRC, Article 8 of the OPSC requires States to provide support to child survivors of sexual exploitation including throughout any legal proceedings. The CRC requires governments to **promote physical and psychological recovery of child victims** (article 39). Article 9 of the OPSC requires States to take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offenses, including their full social reintegration and their full physical and psychological recovery. It provides that all child victims should have **access to adequate procedures to seek compensation for damages from those legally responsible**. Possible special recovery needs of children who have been exploited *online*, due to the ongoing victimization often involved where images and videos remain available online, are not contemplated at a treaty level.[17] The duty to provide physical and psychological recovery services is usually implemented at a State level through child protection legislation such as a Children's Act. The extent to which such laws exist at a national level in the MENA States under study will be analysed during the next phase of research. Some of the ways the right to claim compensation may be realised at a national level include through access to a State criminal compensation scheme, through judicial order against the perpetrator as part of the criminal process, or through private claims against the perpetrator in civil law. Again, provisions made to allow child victims of online sexual exploitation to claim compensation at a national level with be analysed during the next phase of research.

The State obligation to provide an effective remedy extends to instances of human rights violations by the private sector, including national and transnational businesses (Skinner, McCorquodale, & de Schutter 2015). In respect of the role of businesses and children's rights, the CRC Committee has issued General Comment No. 16 (United Nations 2013) on the State's obligation regarding the impact of the business sector on children's rights. This General Comment builds upon the general framework of "respect, protect and remedy" (section B) in emphasising States' party to the CRC continuing obligations in respect of the rights contained therein, regardless of the provision of services by non-state actors, including businesses.

Right to Privacy, Honour, and Reputation

Article 16 of the CRC provides that "no child shall be subjected to arbitrary or unlawful interference with his or her **privacy**, family, home or correspondence, nor to unlawful attacks on his or her **honour and reputation**. The child has the right to the protection of the law against such interference or attacks." This may capture the scenario in which children engage in 'sexting' in private (sharing sexualised images of themselves with their peers) and then these images are shared beyond their intent in public. 'Sexting' can lead to 'sextortion' or sexual blackmail whereby the victim's images are used to extort sexual favours and/or demands for payment. Interpol recently brought together experts at their Global Complex for Innovation (IGCI) in Singapore to share best practice in combating 'sextortion.' The conference was organised following an increase in the number of sextortion cases worldwide and, in particular, cases originating from Africa and targeting people in Europe and the Middle East (INTERPOL 2015).

Right to Access Information and Education and to Play, Recreation, and Leisure

As well as protecting children from abuse, States are also under a **duty to promote children's rights to information and education**. Under Article 17 of the CRC children have the right to access

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[17] For example, it has been argued that the impact of cyberbullying can be more severe than physical bullying due to its public nature, and this has resulted in several cases of suicide, depression and self-injury, see: APC, n.d., p. 7.

appropriate information, and States are called upon to determine what is appropriate, bearing in mind children's rights to freedom of expression and parents' joint responsibility assisted by the State. In instances in which children are exposed to sexualised materials online, the State is under a duty to determine what is appropriate for their age group. Measures taken to protect children must also be balanced against their positive rights to engage with and learn from new technologies. Article 17 of the CRC also contains positive rights to access appropriate information, and Article 28 provides for the right to education—information and communication technology is increasingly becoming an integral part of a child's education. Article 31 of the CRC provides for the right to play, leisure and recreation, and it has been argued that as well as being a valuable learning tool for children, the internet is also necessary to enable children to acquire the digital skills that develop the 'child's personality, talents and mental and physical abilities' and that prepare children 'for responsible life in a free society' as provided by Article 29 of the CRC on the aims of education (APC n. d., p. 7). Furthermore, Goal 9.c of the Sustainable Development Goals 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.

INTERNATIONAL POLICY AND GUIDANCE

Technology is changing rapidly and international child rights laws are struggling to keep up with developments. Various international agencies have produced non-binding policies and guidance, which can be developed more quickly than laws, to address aspects of child sexual exploitation online and which can help to guide national governments' child protection responses.

In terms of **criminalisation**, the recent UNODC 2015 Model Strategies for Elimination of Violence against Children advocate that States should criminialise online solicitation ("**grooming**") of children, cyber enticement, and sharing of self-generated sexually explicit content ("**sexting**") with children (p. 6). The criminalisation of sexting has become somewhat controversial in some jurisdictions, where there is concern that peer-to-peer sexting is being criminalised, even within a consensual relationship. In the explanatory report to the Lanzarote Convention (2007) it is explained that in certain circumstances where minors commit offences such as producing child pornography among themselves and for their own private use, but subsequently distribute those images or make them available on the internet, criminalization should be a last resort (para. 116). Furthermore, Article 20(3) allows for a reservation regarding the production and possession of pornographic material "involving children who have reached the age of consent to sexual activity where these images are produced and possessed by them with their consent and solely for their own private use." In the US, sexting ranges from a felony offence which entails a prison sentence to a misdemeanor for which children are required to enroll in a course on online safety (Access World News 2016). In the UK (2003), sexting is illegal and comes under the definition of "producing and distributing child abuse images, even if the picture is taken and shared with their permission."

The ECOSCOC Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (2005) are widely considered to provide the best benchmarks for **ensuring the rights of the child victim** throughout the justice system. The ECOSOC Guidelines, which are to be read together with guidance

from general international human rights law and standards,[18] take a victim-focused approach to the criminal justice system and ensure that the child's best interests are protected and promoted throughout the process. The Guidelines do not specifically refer to child victims of sexual exploitation online, but they are broad enough to apply to all child victims of crime. The ECOSCOC Guidelines include:

- The right to be treated with dignity and compassion
- The right to be protected from discrimination
- The right to be informed
- The right to be heard and to express views and concerns
- The right to effective assistance
- The right to privacy
- The right to be protected from hardship during the justice process
- The right to safety
- The right to reparation
- The right to special preventative measures

It may be that online child sexual exploitation involves particular **gender dynamics**. The UN Broadband Commission for Digital Development Working Group on Broadband and Gender published a report on cyber violence against women and **girls** in 2015, which they describe as a problem of 'pandemic proportion' (The Broadband Commission for Digital Development 2015, p. 1). UN Women have recently launched a campaign regarding violence against women and girls (VAWG) online. Some governments, including in Algeria, have introduced national strategies to combat gender-based violence (UNICEF 2011, p. 4), but it is not clear whether they also include reference to online violence. **Boys** may be vulnerable in a different way. For example, in 2006 the Committee on the Rights of the Child expressed regret at the 'insufficient' legal protection of boys against commercial sexual exploitation in Jordan (Manara Network for Child Rights 2011).

In relation to **governance and the rule of law**, Goal 16.3 of the Sustainable Development Goals is to promote the rule of law at the national and international levels and ensure equal access to justice for all; Goal 16.a is to strengthen relevant national institutions, including through international cooperation, for building capacity at all levels to prevent violence and combat crime. The strength of the rule of law in each of the countries under study will have a strong impact on the degree to which children are able to access their rights. Essential elements of a strong rule of law are adequately trained judges, lawyers, police, and prosecutors; and also legal certainty. UN Women and the Commonwealth have found that violence against women and girls is exacerbated in countries where judges are predominantly male and where judicial bias and lack of independence means that laws and evidence related to sexual violence against women and girls are interpreted in favour of the male perpetrator (UN Women & the Commonwealth 2016). The concept of legal certainty is that subjects of the law (citizens) can plan their lives according to a rule-based system, which protects those subject to the law from arbitrary use of state power (Zolo 2007). Commentators have noted rule of law concerns about community-based dispute resolution mechanisms, especially in respect to matters

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[18] See, for example, the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005), adopted by the UNGA by Resolution 60/147.

falling within the scope of domestic criminal laws. The practices of community-based protection and dispute resolution will be explored in the course of in-country visits and analysed against rule of law standards and the standards relevant to the provision of an effective remedy.

Also relevant to involvement of the private sector in addressing online child sexual exploitation, the Children's Rights and Business principles were developed by UNICEF, the UN Global Compact, and Save the Children to guide companies on the range of actions they can take in the workplace, marketplace and community to respect and support children's rights.[19] Safaricom, a leading mobile telecommunications company based in Kenya, and a member of the UN Global Compact, has produced a free app called Guardian Application to help keep children safe online (UN Global Compact n. d.). The idea is to ensure that smartphones and tablets have the same level of protection as desktop computers.

INTERNATIONAL HUMAN RIGHTS LAW AND MENA STATES

States in the MENA Region[20] exhibit some trends in respect to their ratification of international human rights treaties. North African States tend to have ratified a greater number of international human rights treaties than Middle Eastern States.[21] MENA States broadly refrain from acceptance of the individual complaints procedures under the majority of the nine core international human rights treaties, with only a few exceptions that tend to occur in North African States. There can be observed a pattern of invoking Islamic law as the justification for reservations against both specific provisions of international human rights treaties and broad and generalist reservations against any provision of a given treaty in the event that it conflicts with the requirements of Islamic law.[22] For example, the Second Comparative Arab Study on VAC (LAS 2013) 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 (p. 24). 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, the Second Arab Study argues 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 (p. 28).

MENA States vary in respect of their compliance with the reporting requirements contained in international human rights. With regard to the CRC, the Second Comparative Arab Study on VAC noted that all Arab countries have presented their initial reports to the Committee on the Rights of the Child, and have generally submitted regular reports, apart from during periods of political insecurity, and

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[19] See: http://childrenandbusiness.org/

[20] Or 'MENA States'. States included in this grouping for the purposes of this study are: Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, and Yemen. Additionally included are Western Sahara and the Occupied Palestinian Territories.

[21] 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.

[22] It should be noted that it is not always clear that the latter type of reservation would constitute a valid reservation within the meaning of the law of treaties, especially in the absence of other State parties' response to this sort of reservation and it in consideration of Article 27 of the Vienna Convention on the Law of Treaties.

the same applies to initial reports on the OPSC. However, Tunisia was over eight years late in 2013 in submitting its initial report to the OPSC, and Algeria was three years late (LAS 2013, p. 21).

INTERNATIONAL POLICING

Interpol has a network of 187 countries and facilitates the sharing of information between police forces. As such, it provides the principal focus for much international law enforcement activity against child internet abuse. However, the effectiveness of Interpol activity in different countries is limited by the extent to which the agreements have been ratified in national law. Interpol has a formal co-operation agreement with the UN which was entered into in October, 1996, which covers: responding to the needs of the international community in fighting crime; assisting states in their efforts to combat organised crime; co-operating in the implementation of the mandates of international judicial bodies; carrying out joint investigations and other police-related matters in the context of peace-keeping; establishing joint databases related to penal law.[23]

The International Child Sexual Exploitation image database is managed by Interpol (ICSE DB), and is a powerful intelligence and investigative tool which allows specialised investigators to share data internationally with police forces. Available through INTERPOL's secure global police communications system (I-247), the ICSE DB uses sophisticated image comparison software to make connections between victims and places. 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.

6. REGIONAL FRAMEWORKS FOR ACTION

A number of inter-governmental organizations operate in the MENA Region. Almost all MENA States are members of the League of Arab States, including all the countries in this study.[24] Some North African States are members of the African Union, including Algeria, Egypt, and Tunisia.[25] Of the 18 MENA States, 16 are also members of the Organisation of Islamic Cooperation, but this does not include Tunisia.[26]

LEAGUE OF ARAB STATES INSTRUMENTS AND INSTITUTIONS

Instruments adopted by the League of Arab States (LAS) offer supplementary guidance to Member States in addition to their international human rights obligations. They include the Charter on the Rights of the Arab Child and the Arab Charter on Human Rights. The Arab Charter on Human Rights is the stronger of the two frameworks, having entered into force in 2008 and providing binding international legal obligations on States Parties to it. Its Article 10 expressly prohibits, "*forced labour,*

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[23] See: http://www.interpol.int/Public/ICPO/IntLiaison/UN.asp
[24] 16 MENA States in total are members of the League of Arab States: Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabic, Syria, Tunisia, the UAE and Yemen. The State of Palestine is also a member of the League of Arab States.
[25] Namely Algeria, Egypt, Libya and Tunisia. Western Sahara is additionally a member of the African Union and Morocco was excluded from the organisation in 1984 on the basis of its occupation of Western Sahara.
[26] Namely, Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia, Syria, the UAE and Yemen. The State of Palestine is also a member of the OIC.

human trafficking for prostitution or sexual exploitation, the exploitation of others for prostitution and any other form of exploitation, as well as exploiting children during armed conflicts." Article 33 of the Arab Charter on Human Rights makes explicit the role of actors other than the State in the protection of children from all forms of violence and abusive treatment in the family and incorporates the best interests of the child as the basis for all legislative, administrative, and judicial measures taken in this regard.

The LAS also adopted a Charter of the Rights of the Arab Child in 1983, which was to be reviewed in 2009 by the Committee of Experts of the Arab Permanent Committee on Human Rights. However, the LAS Secretariat instead deferred to the implementation and reporting mechanisms under the CRC (Rishmawi 2015, p. 83). The Charter calls upon member states to confirm and guarantee the right of the child to state protection from abuse and exploitation.

Within the framework of the LAS, the Arab Council of Childhood and Development (ACCD) is responsible for the development and implementation of Arab Plans of Action for Childhood.[27] It also conducts training and awareness activities on issues relating to children (Rishmawi 2015, p. 85). The ACCD also issued a comparative report on the implementation of the recommendations of the SRSG on Violence Against Children in 2010.

Combating Cybercrime is also addressed by the 2010 Arab Convention on Combating Information Technology Offences, promoted by the League of Arab States, which includes the offence of pornography and enhanced sentencing in cases involving children. It is not yet clear whether the Convention has been ratified by the necessary seven States to enter into force.[28]

AFRICAN UNION INSTRUMENTS AND INSTITUTIONS

There are several African Union instruments which are applicable to Algeria, Egypt, and Tunisia, out of the countries in this study. The African Charter on the Rights and Welfare of the Child (ACRWC) provides for the child's right to freedom of expression (African Union 1999, article 7), freedom of thought, conscience and religion (article 9), and the right to privacy (article 10). Unlike the CRC, the exercise of these children's rights are balanced against the duties of parents and legal guardians to provide guidance and direction to their children in the enjoyment of their rights in accordance with national law and policy (article 9), and against the responsibility of the child towards their family and society (article 31).

The African Union's Convention on Cyber Security and Personal Data (2000) was adopted in 2014. It seeks to harmonises African cyber legislation on electronic commerce organization, personal data protection, cyber security promotion, and cybercrime control and to require criminalization of the production, distribution, and possession of CSAMs (UNICEF 2014). It defines 'child pornography' and places it within a broader framework of cyber security and personal data protection, including consent-based protections across the board (section I). The Convention requires States Parties to criminalises a number of acts related to CSAMs, including production, procurement, possession, and facilitation of access to CSAMs (article 29[3][1]). It requires that responsibility for the offences

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[27] the latest being the Arab Plan of Action for Childhood 2004-2015.
[28] Chapter VII (2), Arab Convention on Combatting Information Technology Offenses. Whether the Convention has entered into force in 2016 needs to be verified.

contained in the Convention is recognised in domestic law for all legal and natural persons (article 29[2]). On the basis of the Convention's explicit inclusion of private actors in the group of duty bearers, its Article 31 requires that sanctions for offenses are adapted according to the legal person that is being held liable, including for example, criminal fines. The Convention also provides for a monitoring mechanism at the African Union level (chapter IV).

Several African civil society organisations have also come together to draw up the African Declaration on Internet Rights and Freedoms, which are aimed at promoting human rights standards and principles of openness in internet policy formulation and implementation on the continent.[29]

THE ORGANISATION OF ISLAMIC COOPERATION

In 2005, the Organisation of Islamic Cooperation (OIC) adopted the Covenant on the Rights of the Child, which is broadly in line with international law on child rights and regional instruments outlined above. OIC instruments generally include an Islamic criterion to norms of international human rights law.[30]

ENFORCEMENT OF REGIONAL INSTRUMENTS

Enforcement of the legal frameworks relevant to the child online protection at the regional level is variable. The strongest enforcement mechanisms exist within the framework of the African Union, whose Commission on Human and Peoples' Rights and Committee of Experts on the Rights and Welfare of the Child receive reports from States Parties on the relevant treaties as well as direct communications. Enforcement of LAS instruments, on the other hand, takes a less mechanised approach and falls to LAS institutions to analyse and report.

VICTIM SUPPORT SERVICES FOR CHILDREN

CRIN (2016) found in their global report on access to justice for children that many of the most serious barriers to justice for children globally include the financial burden of seeking legal advice, intimidating courtrooms, and complex legal procedures which effectively render access to justice for children a 'fiction' (p. 10). UNICEF found in 2011 that in the MENA region the availability and accessibility of shelters, psycho-social support, and other services for victims of gender-based violence often depends on the level of civil society engagement in the country as states usually do not provide these services (p. 4).

There is no state-sponsored legal aid in Jordan, although there are a number of NGOs which may be able to provide legal assistance (CRIN 2015b). In Algeria,[31] Morocco,[32] and Egypt legal aid is available,

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[29] The Declaration has been endorsed by Article 19, Global Partners Digital, APC, Protégé QV, Media Foundation for West Africa, Kenya Human Rights Commission, Civicus, Paradigm Initiative Nigeria, Web We Want, SITC, and Media Institute of Southern Africa. The text is available here: http://africaninternetrights.org/articles/#internet-access-and-affordability.

[30] See, generally: Tadjdini, 2012.

[31] See: Article 1 of Ordinance no 71-57 of 5 August 1971 concerning legal assistance. The Ordinance is included in the Civil Code at page 51 of the Annexes: http://www.joradp.dz/TRV/FCivil.pdf.

[32] CRIN (2014) Access to justice for children: Morocco. Available at: https://www.crin.org/sites/default/files/morocco_access_to_justice_0.pdf

but only in criminal cases. In Algeria legal aid is means-tested and child offenders would be entitled to legal aid, but a child bringing a civil claim for compensation may not be. In Algeria, the Information Center on Women and Children's Rights provides pro bono legal assistance in children's cases, but they are not authorised to appear in court. In Morocco, the Moroccan Association of Human Rights provides information on legal aid services (CRIN 2014b).

7. OVERVIEW OF LEGAL AND CRIMINAL JUSTICE CONTEXTS IN MENA

Upon initial review, there appear to be a number of general trends across MENA States, relating to the legislative and criminal justice handling of online child sexual exploitation. The first trend observed is that of a broadly protectionist approach with strict legislative provisions treating women and girls as more vulnerable than men and boys. For example, the offence of abduction in the Egyptian Penal Code is considered aggravated when the victim is female and carries a higher sentence than if the victim is male (see Articles 288, 289, 290, amended 1936 Penal Code). While this sort of distinction between the sexes may be supported by evidence of the ratio of female victims of online sexual exploitation, it seems unlikely to meet the international law requirement of non-discrimination of domestic laws (contained in, for example, Article 2(1) of the CRC, and as a general principle of international law). Evidence from other countries indicate that boys are at greater risk of abuse, including sexual abuse, than previously considered, and that this has largely been excluded from policy and legislative considerations in the past (DeMarco, Davidson, Scalley, & Long 2015).

Second is a significant gap between the strict provisions of the law and their implementation, not least because of the status of the rule of law within MENA States. In Jordan, for example, while there are detailed safeguards against early and forced marriage enshrined in statute – imposing a duty on judges to determine whether a marriage between the ages of 15 and 18 is in the best interests of the child – it is difficult to carry out a detailed 'best interests of the child' determination. Evidence has shown that the judicial personnel responsible in these sorts of decisions are unaware of, or otherwise do not implement, these provisions.[33]

Third is that those States in which there has been an overhaul of the constitution and domestic laws are a double-edged sword for child protection: the complete re-drafting of the constitutions in Egypt, Iraq, Yemen, and Tunisia, for example, have offered the drafters an opportunity to incorporate, to a remarkable extent, international human rights law standards. This is particularly evident in the Iraqi and Egyptian Constitutions (2005 and 2014, respectively). However, these processes have also required the establishment of new institutions to implement these protections. As such, the effective protection of children and their rights and interests can be suspended between the strict legal provisions and the domestic infrastructure needed to bring them into reality. There is evidence that in both Jordan and Egypt there is an awareness of the risks of online child sexual exploitation at a state level, and statutory laws are being reviewed to address this.

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[33] See the work of the Early and Forced Marriage Task Force/ SGBV Working Group at: data.unhcr.org/syrianrefugees

Finally, it is difficult to state definitely at this point how cases of online child sexual exploitation would be treated by Islamic law, as the research has yet to locate any precedent for this. Much of the discussion below therefore relates to the treatment of 'conventional' or offline child sexual abuse and exploitation. Further, the status and use of Islamic law principles in both the legislative framing of criminal offences as well as dispute resolution may vary considerably between the different States, and it is anticipated that the in-country visits will provide further insights as to how Islamic and customary law address this form of abuse in each of the States included in the study.

In a new report by CRIN ranking every country in the world in terms of access to justice for children, Egypt is ranked 115th, Morocco is 150th, Algeria is 169th, and Jordan is 186th, out of 197 countries (CRIN 2016). In Morocco, several NGOs have reportedly raised concerns regarding the lack of independence of the judiciary and corruption within the justice system.[34] In September 2013, the Moroccan government committed to a reform programme for the judiciary which involves allocating more resources and training judges, prosecutors, and lawyers (CRIN 2014b). The child online protection committee in Egypt is currently delivering training programs focused on child internet crimes to attorneys, prosecutors, and judges (Omran n. d.). *Protecting Children from Violence and Maltreatment: A Qualitative Comparative Analysis Assessing the Implementation of the U.N. CRC Article 19* (Svevo-Cianci, Hart, & Rubinson 2010) examined child protection provisions of 42 countries. This study categorised Bahrain and Jordan as having a moderate degree of child protection measures at the national level, compared to Algeria, Egypt, Morocco, Saudi Arabia, and Tunisia with no children protection system at national level and rated as ineffective (p. 50).[35] One important context for these countries' provisions of justice for children is that many MENA States have **plural legal systems**, including State laws, religious laws, and tribal or traditional forms of justice. **Tribal principles and processes of dispute resolution** are often used to resolve violations against 'life, limb, or honour.'

Legal Summary – Algeria

Algeria has ratified eight out of the nine core international human rights treaties.[36] It has additionally ratified, amongst other international human rights treaties, the OPSC without reservation.[37] Algeria has a monist legal system, whereby international treaties become binding domestic law upon ratification.[38] The Constitutional Council of Algeria has affirmed that provisions of international law abrogate conflicting domestic law and may be invoked directly before the courts.[39]

Algeria has not accepted the individual complaints procedures of all of the human rights treaties to which it is party and has not issued a standing invitation to the special procedures of the Human Rights Council.

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[34] NGOs include the ICJ, Human Rights Watch, and the 2013 World Corruption Index.

[35] See also: Table 1 for a ranking of 33 of the countries studied.

[36] The CERD, ICESCR, ICCPR, CEDAW, CAT CRC, CMW, and CRPD. It has signed but not ratified the ICPED: UN Treaty Collection, MTDSG, Chapter IV.

[37] See: UN Treaty Collection, MTDSG, Chapter IV.11c.

[38] Article 132, 1989 Constitution of Algeria, with amendments up to 2008.

[39] The Constitutional Court limited the right to invoke provisions of international law before the domestic courts of Algeria to nationals of that State: Decision of the Constitutional Council of 20 August 1989, Official Journal No. 36, 30 August 1989, p. 71 (CRIN 2014a).

Algeria ratified the UN CRC on 16 April 1993.[40] Algeria has not reported to the CRC Committee on its implementation of the OPSC but has reported three times on its implementation of the CRC.

Legal Summary – Egypt

Egypt is party to eight out of nine of the core international human rights treaties.[41] It has additionally acceded to the OPSC.[42] The domestic system is monist such that international agreements concluded by the State are binding for domestic law upon publication in the official gazette.[43]

The CRC has the force of law in Egypt under the Constitution, and Egyptian courts are obliged to implement its provisions as domestic legislation.

Egypt has not accepted the individual complaints procedures for any of the international human rights treaties to which it is party and has not issued a standing invitation to the special procedures of the Human Rights Council. Egypt has reported once to the CRC Committee on its implementation of the OPSC and the CRC, with the latest Concluding Observations of the CRC Committee issued in 2011 in respect to both.

Legal Summary – Jordan

Jordan is party to seven out of the nine core human rights treaties.[44] It has additionally ratified the OPSC.[45] Upon ratification, international treaties that affect public or private rights of Jordanians require the approval of the National Assembly before they pass into domestic law upon publication in the official gazette; the system is monist.[46]

Jordan has generally not accepted the individual complaints procedures for any of the international human rights treaties to which it is party, but it has issued a standing invitation to the special procedures of the Human Rights Council.[47] It has submitted one report to the CRC Committee in respect of its implementation of the OPSC and several in respect to the CRC.

Legal Summary – Morocco

Morocco is party to all of the nine core human rights treaties, including the CRC. Morocco is a monist country where any international treaties signed and published in the official gazette becomes part of domestic law and takes precedence over national law (CRIN 2014b).

In Morocco the CRC takes precedence over national law (CRIN 2014b). Morocco departs from a general trend observed in the MENA Region, by having also ratified some optional protocols relating to individual communications procedures,[48] but has not issued a standing invitation to the special procedures of the Human Rights Council. Morocco has reported to the CRC Committee in respect of its implementation of the CRC, and has reported once in respect of the OPSC.

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[40] UN Treaty Collection, MTDSG, Chapter IV.11.
[41] It has neither signed nor ratified the ICPED: UN Treaty Collection, MTDSG, Chapter IV.
[42] UN Treaty Collection, MTDSG, Chapter IV.11c
[43] Articles 93 and 151, Constitution of Egypt.
[44] It has neither signed nor ratified the CMW and the ICPED: UN Treaty Collection, MTDSG, Chapter IV.
[45] UN Treaty Collection, MTDSG, Chapter IV.11c.
[46] Article 3, 1952 Constitution of Jordan, with amendments to 2011. See also: Janaby, 2015.
[47] On 20 April 2006.
[48] It has ratified the CRPD Optional Protocol; the CAT Optional Protocol; and it has signed but not ratified the CRC Optional Protocol III: UN Treaty Collection, MTDSG, Chapter IV.

Honour as Legal/Cultural Operation

The concept of honour is often central within the criminal offences relevant to child exploitation in the domestic laws of States under study. While a broad framing of sexual offences as, for example, 'an act that touches the honour of a person' may allow for an opportunity to include online sexual exploitation of children, it also raises difficulties. Because 'honour' is generally not defined in the criminal legislation of the States under study, acts of victims may also risk being criminalised.

The term "honour" can be understood as respect, honour, dignity and reputation and is applied to one's conduct in the private and public sphere (Haeri 1999, p. 69). It is also linked to gender roles and more specifically to female sexuality. Hence, damage to the female honour is seen as having a direct consequence for the male kin and collectively on the whole family (ibid.). For this reason, child sexual abuse is understood within an 'honour' culture as an act that damages the honour of the child and family and not as an abusive act. Although in honour cultures boys are not expected to prove their virginity, the expectations placed on their masculinity is a deterrent for boys to report abuse.[49] In some of the States under study the honour concept seems to be particularly applicable to women's sexuality and will likely impact on the treatment of female victims of online child sexual exploitation. Females who engage in sexual activity outside of wedlock or even rape victims can be killed or driven to commit suicide because of the dishonour these acts have brought to their family (Yamani 1996). Females who defy this code may be subjected to "honour killings." Honour killing is not an Islamic notion, and has in fact been condemned by several Islamic scholars.[50] Ouis explains that honour culture is not limited to Islamic states and that honour cultures create conditions where women and girl children are subjected to many forms of gender-based violence, including early marriages (Ouis 2009). However, Islam has been used in some communities to justify violence committed in the name of restoring honour, such as honour killings, and some scholars see this as a misinterpretation of the teachings of Islam (Ali 2014, p. 512). Ouis (2009) stresses that traditions and customs are given more weight than Islam in many Arab countries, and argues that the Shari'ah should be used as a tool to advocate that honour ideology is anti-Islamic.

ISLAMIC LAW-BASED LEGAL SYSTEMS

The role of Islam incorporated into the Constitutions of Islamic 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). 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.

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[49] Dunne reports a lax attitude towards the engaging of extra marital sex with boys in his article "Power of Sexuality in the Middle East." He explains, on the one hand, homosexual acts are viewed as one of the most abhorrent acts in Islamic States, especially those committed by adult men against male children. On the other hand, these men who engage in sex with prostitutes or boys are seen as "sinners," and their reputation remains unblemished, as honour is not attached to males (Dunne 1998, p. 10).
[50] The penalty in Islam for fornication is flogging rather than death (Johnstone 2015).

Introduction to Shari'a Law

In Arabic, Shari'a means 'path' or 'guide' and refers to the all-encompassing nature of Islamic law, which purports to provide a set of principles for living a good Muslim life. Shari'a contains rules concerning moral and religious behaviour (as well as governmental matters, matters in the public realm and private and commercial matters). These are considered to be just as much part of the law as statutory rules on matters such as marriage and inheritance.

According to Islamic jurisprudence, Shari'ah law is based on the revelation of God to the Prophet Muhammad until his death in 632[51]. Central to the application of Shari'ah law is the Qur'anic assertion that Islamic principles and philosophies apply to all people at all times of history. Religious scholars (*ulama*) developed Islamic jurisprudence (*fiqh*) from the eighth century onwards, and four main *ulama* emerged as leaders of different *fiqh* schools of thought – Al-Hanafi, Al-Maliki, Al-Shafi'i, and Al-Hanbali. For the purposes of this study, the Sunni tradition of Islamic legal theories will be covered with special reference to the **Hanbali School of thought** as the dominant legal theory in Egypt and Jordan, and the **Maliki school of thought** in relation to Morocco and Algeria.

Islamic law is the outcome of "a process of interpretation of, and logical derivation from, the text of the Qur'an and the Hadith as well as *Sunna* and other traditions".[52] There is much diversity in Islamic scholarship, and there is not one Islamic law text that encompasses all interpretations of the Shari'ah. The Shari'ah constitutes fixed substantive law which cannot be changed, and procedural law and Islamic jurisprudence comes under *fiqh*, which evolved through a process of juristic thought[53]. The term Shari'ah can be said to be used in four distinct ways: First, divine, abstract Shari'ah contains God's plan for mankind, in the form of rules for good order and human behaviour[54]; Second, classical Shari'ah, refers to the corpus of rules, principles and cases that were drawn up by *fiqh* scholars in the first two centuries after the Prophet Muhammad, and this reflects the social and political influences of that time; Third, historically transferred Shari'ah includes the whole body of interpretations of Shari'ah law developed over 1,000 years across the Muslim world, which encompasses personal beliefs, state ideology, living law, formal positive law, and more modern interpretation; Fourth, contemporary Shari'ah refers to the principles, rules, case law, and interpretations that are actually in use at present throughout the Muslim world[55]. The process of interpretation of Shari'ah law is called *Ijtihad*, which starts with the process of *Tafsir* (exegis), whereby Qur'anic verses are read in the context of the present time, location, and context to interpret their meaning and logic. This process also involves reading the Qur'anic verses across and together so that broad principles can be used to define more detailed laws. Mariya Ali advocates that when approaching the sexual exploitation of children from an Islamic law perspective, following many modern Islamic scholars, the doctrines of 'maqasid

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[51] Otto, J.M. (ed), (2010) *Sharia Incorporated: a comparative overview of the legal systems of twelve Muslim countries in past and present*, Leiden University Press, p.24

[52] An-Na'im, A. A., (1990), *Toward an Islamic Reformation,* Syracuse University Press, p. 11

[53] Abiad & Mansoor, (2010) 'Criminal Law and the Rights of the Child in Muslim States: A comparative and analytical perspective', British Institute of International and Comparative Law, P.45

[54] Otto, J.M. (ed), (2010) *Sharia Incorporated: a comparative overview of the legal systems of twelve Muslim countries in past and present*, Leiden University Press, p.26

[55] Otto, J.M. (ed), (2010) *Sharia Incorporated: a comparative overview of the legal systems of twelve Muslim countries in past and present*, Leiden University Press, pp. 26-27

al-shariah' (the overall objective of Shari'ah) and 'maslahah' (welfare) can be used to interpret and apply Islamic law in a manner consistent with international human rights treaty commitments[56].

Contextualisation and Applicability of Shari'a Laws in Morocco, Algeria, Jordan, and Egypt.

Throughout the 19th and 21st centuries, several Arab Muslim states have initiated significant reforms of their legal systems—often looking to the West for inspiration. A few Arab Muslim states have remained loyal to Shari'a in its entirety, while most states operate under a dual legal system. The role of Shari'a therefore, in its scope of application and enforcement, varies from country to country.

In **Jordan**, Islamic law and Islamic Jurisprudence are the main sources of legislation regulating Muslims in matters of **Personal Status and Family Law**. These are under the jurisdiction of Shari'a Courts. The Jordanian **Penal Code** however, does have some reference to Islamic law and Islamic Jurisprudence.

In **Algeria**, there are no Shari'a courts, however certain specific statutes may lay down rules inspired by traditional Shari'a or call upon judges to apply Shari'a on situations not covered by the statute. The Algerian **Penal Code** was first enacted in 1966, and some of its provisions indicate that they have been inspired by traditional Shari'a legal norms.

In **Egypt**, Article 2 of the constitution provides that Islam is the state religion and **Islamic Shari'a law is the main source of legislation**. Its interpretation and application is confined to the Supreme Constitutional Court. As for religious courts, these were dissolved in 1956. Instead, the ordinary courts apply Rabbinical, Canonical, and Shari'a laws relating to disputes of personal status. The Egyptian Penal Code is based on British, Italian and Napoleonic models, created in 1937.

In **Morocco**, generally, Shari'a is applied in **Family Law and Personal Status Law**, the Mudawwana, for Muslims. The articles in the Mudawwana are derived from the Maliki School of Thought and include issues of family law. This is the only main codified source that completely relies on interpretation of Shari'a Law. The Penal Code was created in 1963 and is primarily based on civil law rather than Shari'a law.

Child protection under Islamic law

In 2005, UNICEF produced a publication on Children In Islam, in collaboration with the Al-Azhar University in Egypt[57]. The publication sets out a general overview of the child's rights in Islam, and also specifically refers to the child's right to protection from sexual exploitation and abuse, and also their positive right to education and to continuously learn and acquire new skills.

In terms of the role of the society and state in **child protection**, Al-Azhar notes that the legislature is responsible for passing laws guaranteeing the protection of children from exploitation, and parliamentary endorsement and ratification of international treaties pertaining to the rights of

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[56] M. Ali, (2014), 'Child sexual abuse: can the doctrines of al-maqasid al-shariah and maslahah assist in chellanging the honour ideology?', International Journal of Human Rights, 18:4-5, 508-526, P.515, citing M. Baderin, International Human Rights and Islamic Law (Oxford: Oxford University Press, 2003)
[57] Al-Azhar University & UNICEF (2005), *Children in Islam: Their care, upbringing and protection*, UNICEF Office of Public Partnerships

children is also accorded great importance[58] Civil society is also given the task of observing and monitoring the state's attention to securing children's rights.

Al-Azhar also specifically addresses child protection under Islamic law. 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 law[59]. 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.[60] 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. This includes involving Muslim scholars "in explaining the position of Islamic Shari'ah, which enjoins equality and mercy; prohibits aggression, especially against the young and vulnerable; and affirms the right to retribution against criminals."
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.

Al-Azhar also specifically notes that although there are many positive outcomes from huge technical advancements in mass communications, negative aspects have arisen as well, including exploitation of children in travel and tourism, CSAMs both offline and online, and the exploitation of children in prostitution[61]. It is noted that although girl children are more vulnerable to such kinds of sexual exploitation, boys may also become victims.

Right to education under Islamic law

Regarding the **right to education**, Al-Azhar stresses the importance of education free from discrimination for children's personal development and for the development of society[62]. 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. Mass media can address lost opportunities to develop children's abilities, low-quality education, or the failure of the family to undertake its duties to care for the child. It would seem that under Al-Azhar's

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[58] Al-Azhar University & UNICEF (2005), *Children in Islam: Their care, upbringing and protection*, UNICEF Office of Public Partnerships, P.25
[59] 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.
[60] 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
[61] Al-Azhar University & UNICEF (2005), *Children in Islam: Their care, upbringing and protection*, UNICEF Office of Public Partnerships, P.68
[62] Al-Azhar University & UNICEF (2005), *Children in Islam: Their care, upbringing and protection*, UNICEF Office of Public Partnerships, Pp. 86-94

interpretation of Islamic law, access to the internet could be seen as a fundamental educational right of the child.

Criminal law aspects of child sexual exploitation online.

Shari'ah law is also relevant in many jurisdictions to the **criminal law aspects of child sexual exploitation online**. This has implications for how both perpetrators and victims are treated under national criminal law, and also for how child offenders would be treated for crimes related to sexual exploitation online. There appears to be little written about the treatment of child victims of sexual exploitation under Islamic law. As with other legal disciplines, at an international and academic level the focus in terms of justice for children seems to be on juvenile justice which deals with children in conflict with the law, rather than child victims. The 2010 publication, *Criminal Law and the Rights of the Child in Muslim States*, provides an analysis of juvenile justice which is useful with regard to understanding how child offenders may be treated in cases of sexual exploitation online. Below is a summary of some central principles of Islamic law that relate to child sexual exploitation online. However, it is recognised that there are many interpretations and views on this issue, and what is reflected below is simply a summary of some of what has been written in this area, as a thorough review of the literature regarding children and Islamic law was beyond the scope of this study.

Prohibition of sexual relations out of wedlock

In Islam there is an **absolute prohibition of sexual relations out of wedlock**, therefore, even sexual activities **between two unmarried consenting *adults* is considered a sin** and a sexual offence. This is relevant in the context of *child* sexual exploitation online because the definition of an adult under national laws in the region sometimes means that children aged under 18 are deemed to be adults for the purposes of criminal law. Further, although many countries in the MENA region have recently made efforts to prevent and even criminalise child and early marriage, there are still high numbers of children in the region who are married under the age of 18, and who are often consequently then considered to be adults[63].

F**ornication, rape and indecent assaults** are considered as sexual offences. For the crime to be considered as fornication or adultery, the perpetrator involved must not be a **minor** (as defined in Islamic law – see Criminal Responsibility below); Crimes involving fornication and adultery are *hudood* crimes for which fixed penalties are laid out in the Quran which the judge has no discretion to deviate from, because the purpose of the Shari'ah in such cases is on safeguarding society against crime[64].

There is some disagreement amongst Islamic scholars regarding the crime of rape and how it should be dealt with under Islamic law. According to some classical scholars, **rape** (zina-bil-jabr) is distinct from adultery, and is considered under the category of *hiraba* (banditry, terrorism, or promoting terror) or as *fitnah* (torture) due to the fear that this crime imposes on the community and the severity of the effects. In these cases, victims of rape are not required to produce any witnesses, and criminal prosecution would involve circumstantial evidence, medical reports, and expert testimony.

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[63] Farzaneh Roudi-Fahimi and Shaimaa Ibrahim, (2013) 'Ending Child Mariage in the Arab World', Population Reference Bureau. Available at: http://www.prb.org/Publications/Reports/2013/child-marriage-mena.aspx
[64] Abiad & Mansoor, (2010) 'Criminal Law and the Rights of the Child in Muslim States: A comparative and analytical perspective', British Institute of International and Comparative Law, P.40

Furthermore, the victim would be entitled to claim compensation, and would not be considered to have consented unless there was clear evidence to prove that she did.[65] Despite this, Islamic jurists in many countries consider rape under a sub category of *zina* and treat it in the same way as adultery.[66] This is problematic because consent is assumed in *zina* crimes in some countries. While traditional Maliki theory entertained circumstantial evidence in cases of *zina*, in practice the lack of development in this area leads to unfair treatment of females in rape cases.[67]

In relation to online child sexual exploitation, in a case of sextortion in Saudi Arabia, the application of a *fatwa* was confirmed through a royal decree which extended the definition of *hiraba* to a case of three men who forced a woman with a knife and took nude photos of her and later demanded money in exchange of the photos.[68] Three men were charged with hiraba. Hence, this could possibly be extended to cases of online child sexual exploitation, at least in Saudi Arabia.

Criminal Responsibility

Under Shari'ah law the perpetrator has to be a person with full and mature understanding, in order to be subject to *hudood* punishment. Furthermore, the offender must have the power to commit or not commit the act, and also must be operating under free-will and intention. *Tazeer* crimes cover those crimes which are not dealt with under Islamic law, and crimes committed by children would likely fall under the *tazeer* category. Judges have wide discretion under *tazeer* offences to award appropriate punishments after weighing the evidence, motive, and age of the offender. [69] Under Shari'ah law the perpetrator has to be a person with full and mature understanding, in order to be subject to *hudood* punishment. Furthermore, the offender must have the power to commit or not commit the act, and also must be operating under free-will and intention. Physical signs of sexual maturity - **puberty** (baloogh) - is usually used as a yardstick to measure age of maturity under Islamic law. Under **Islamic law, criminal accountability is based on three essential elements being fulfilled**: the act that has been committed is **a prohibited act**, there was **free consent**, and the person who committed the crime is **an adult** who is capable of distinguishing between right and wrong (*idrak*).[70] If the first element is missing then there will be no criminal responsibility. However, if the second and third element are missing, criminal responsibility remains, but without a penalty being imposed.[71] Despite the conditions for exemption from punishment for children, the courts can act under **discretionary penalties** – *tazir* – taken in public interest (maslahah). Such measures can include admission to a reformatory or mental health institution to address negative behaviour.[72] Crimes committed by children would likely fall under the *tazeer* category. Judges have wide discretion under

[65] Aaishah AbuBakr, (2011), 'Rape: Fallacies of the Four Witness Requirement', The Express Tribune Blogs. Available at: http://blogs.tribune.com.pk/story/9484/rape-fallacies-of-the-four-witness-requirement/; Hareem Shafi, (2013), 'Do Women Need 4 Witnesses to Prove Rape', Muslim Women Talk Back.. Available at: http://muslimgirl.com/6728/do-women-need-to-provide-four-witnesses-to-prove-rape/
[66] Azam, supra note 169, p. 241.
[67] Ibid, p. 316
[68] Azam, supra note 169, p. 241.
[69] Abiad & Mansoor, (2010) 'Criminal Law and the Rights of the Child in Muslim States: A comparative and analytical perspective', British Institute of International and Comparative Law, P.44
[70] Dr Anwarullah, (1997), *The Criminal Law of Islam*, Precetakan Zafar Sdn. Bhn, Kuala Lumpur, Malaysia, p. 28
[71] ibid, p. 29
[72] Khan, T. M. & Syed, MH, (2007), *Criminal Law in Islam*, Petagon Press, New Dehli, p.124.

tazeer offences to award appropriate punishments after weighing the evidence, motive, and age of the offender. [73]

In practice, despite the clear Quranic injunctions and clear juristic rulings in relation to forced sexual acts, **child victims in many countries continue to be treated and punished as offenders of sex out of wedlock.**[74] Misinterpretations of juristic rulings and cultural influences have given rise to honour cultures that prescribe sexual morality and dictate codes of behaviour for women and girls. These behaviours could include girls who attract attention by laughing loudly on the street or not wearing the right type of clothing who could be perceived as being "loose".[75]

There is a **divergence of opinions** among the different schools of jurisprudence that is reflected in the **varying ages of criminal responsibility set in the different Islamic states**. Egypt has raised the age of criminal responsibility from 7 years to 12 years, although full criminal responsibility starts at 18 and children aged 13 to 18 are subject to special penalties. Jordan has expressed its intention to the Committee to raise criminal responsibility from 7 to 12 in its draft bill (Draft bill on the Rights of the Child).[76] Elsewhere in the Middle East, in Kuwait and Bahrain, a child can be held criminally responsible from the age of 7. Bahrain holds a child of 7 years capable of discernment (sabiyy mummayyiz).[77] Age of discernment lasts from the age of 7 to 15 years when a child has a weak understanding and the ability to distinguish between right and wrong.[78] Therefore, although children may not be subjected to hudood punishment, the court may take disciplinary measures under tazir in the form of warnings or reprimands.[79] In the context of online child sexual exploitation, it appears that child victims could be criminalised under Islamic law from around the age of 9 for their roles in 'sexting' and in cases of blackmail or sexual extortion[80].

Provisions for Online Child Sexual Exploitation

In terms of securing a criminal conviction for perpetrators of online child sexual exploitation crimes, there may be **evidentiary barriers**. There is consensus among Islamic jurists that in relation to sexual acts committed against a person without their consent the victim should not be subjected to

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[73] Abiad & Mansoor, (2010) 'Criminal Law and the Rights of the Child in Muslim States: A comparative and analytical perspective', British Institute of International and Comparative Law, P.44

[74] Ali, M., (2013), *A Maqasid Approach to Protecting Victims of Child Sexual Abuse in the Maldives, Compliant with the UN Convention of the Rights of the Child*, PhD Thesis, University of London.

[75] Ouis, P., (2009), "Honourable Traditions? Honour Violence, Early Marriage and Sexual Abuse of Teenage Girls in Lebanon, the Occupied Territories and Yemen", International Journal of Children's Rights, Vol. 17, p. 453-455.

[76] Jordan - http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14649&LangID=E (last accessed 18 March 2016)

[77] CRIN Access to Justice, Bahrain, p. 4 https://www.crin.org/sites/default/files/bahrain_access_to_justice.pdf (accessed 18 March 2016)

[78] Hussin, N, (20 - 23 March 2005), *Juvenile Delinquencies in Malaysia: Legal Provisions and Prospects for Reforms*, Paper presented at the 4th World Congress on Family Law and Children's Rights, Cape Town, South Africa, p. 12.

[79] Abaid & Mansoor, p. 61.

[80] This is a not a problem exclusive to the MENA region, or to Islamic law. Governments in the UK and the US for example are also struggling with how to address crimes involving sexual extortion of children, where national laws criminalise the production of child pornography, and where the age of criminal responsibility is 10 in the UK and between 7 and 14, in the US.

punishment.[81] It is also open to the perpetrator to defend themselves by proving that the victim consented, and it is possible that where videos or photos posted online do not show struggle or signs of refusal this could be perceived as consent.[82] There are differing views among the classical jurists on what evidence may establish consent. As noted earlier, the issue of consent would arise in cases in which the victim was deemed to be an adult, which could arise in cases of online child sexual exploitation if the victim is under 18 but has reached the national age of criminal responsibility.

Depending on the circumstances, it may be that electronic evidence would be regarded as circumstantial evidence, which is not admissible in cases of *hadd* offenses apart from those cases resulting in childbirth under Maliki jurisprudence.[83] When there is lack of evidence to prove *hadd* the cases are tried under discretionary punishment (*tazir*).

8. NATIONAL SOCIETAL RESPONSES

The following section provides a preliminary overview of the literature on country level responses to online child sexual exploitation. For the purposes of this literature review, this section characterises a national response as a suite of various interventions that, when taken together, forge an overall system that aims to foster child protection and children's rights online. This section therefore considers literature across a number of different intervention areas, such as i) child protection frameworks; ii) child victim support services; iii) prevention and reporting mechanisms; iv) law enforcement responses; v) ICT industry responses; and v) research and data collection efforts. Religious institutions, parents, local communities, the education sector, and the media also contribute to a national response, yet these stakeholders do not feature strongly in the literature identified through this initial phase of desk research. The country field research therefore provides an opportunity to document the perspectives and concerns of these diverse stakeholders.

PREVENTION AND REPORTING MECHANISMS

The literature identified several examples of child protection mechanisms that involve multi-stakeholder coordination, prevention, and reporting interventions. However, the examples in the literature tended to emanate from Jordan and Algeria. Further, overall information on awareness raising and the presence of child-friendly hotlines and helplines was not available in the preliminary desk review phase of this study. Consequently, the field research will endeavor to find more supporting evidence of prevention efforts, awareness raising, and reporting interventions in all countries under this study.

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[81] Bahnassi, F. A., (1982) "Criminal Responsibility in Islamic Law", in Bassiousi, C. M., (Ed.) *The Islamic Criminal Justice System*, Oceana Publications, p. 191; Rizvi, S. A. H., Masoodi, S. G., & Mahmood, T., (1996), "Adultery and Fornication in Islamic Criminal Law: A Debate", in Mahmood, T. et al., (1996), Criminal Law in Islam and the Muslim World: A Comparative Perspective, Qazi Publishers & Distributors, p. 225; Kamali, H. M., (2003), *Principles of Islamic Jurisprudence*, The Islamic Text Society, p. 61.

[82] Certain cases have been recorded where women were spared the punishment of *hadd* on the basis of a defence of "material duress", and "state of necessity": Awdah, A. Q., (1987), *Criminal Law of Islam*, Vol. III, International Islamic Publishers (PVT) Ltd., p. 304.

[83] Peters p. 15

According to the Manara Network for Child Rights (2011), Jordan has established child protection committees to inquire into suspected cases of child abuse presenting at major public hospitals. These multi-stakeholder committees cooperate closely with NGOs working in the field:

> These committees are a mechanism designed to ensure a comprehensive response to suspected cases of child abuse and currently operate in 11 hospitals. When a case of child abuse is suspected, a child protection committee is formed, which comprises of the attending physician, a forensic doctor, social worker, nurse and any other specialists involved in the case (for example, a gynaecologist in cases of suspected rape).

The reporting of suspected cases of child abuse and domestic violence is required for professionals working in the social services, medical, and education sectors under the 2008 Family Protection Act. The Family Protection Act also requires relevant officials to take all necessary steps to ensure the safety of victims of domestic violence (ibid).

The Manara Network also reported that in 2007 a project was designed in Jordan to track sexual abusers and provide assistance to children who have been groomed for abuse over the internet. The project was launched in partnership between the government and INGO, and incorporated a study by the National Council for Family Affairs to assess the extent of internet-based sexual exploitation and abuse in Jordan (National Council for Family Affairs 2008, p. 18).

A report by ECPAT International (2008) highlights an initiative in Jordan that focuses on preventing commercial child sexual exploitation. Funded by the Public Security Department of Jordan and Save the Children, the Information Technology Related Sexual Exploitation of Children Project aims to collect data on prevalence of commercial CSE as well as how children use the internet (e.g. number of child users and most popular websites). However, it is unclear if and when this data will be available. In addition, Save the Children work with the Family Protection Department in Jordan to facilitate international collaboration and tracking of those that abuse children online, and provide resources in order to support children that have been victimised.

In 2015, Algeria set up the National Body for Prevention and Fight Against Crimes Linked to ICTs. The body is overseen by a steering committee chaired by the Minister of Justice and composed of members of government, security service officials, and two judges of the Supreme Court. It also includes officers and agents of the judicial police from military intelligence services, the judiciary, officers from the National Gendarmerie, and the National Police (allAfrica, 2015). The body will aid in judicial matters, operations relevant to prevention, and in the monitoring of online technologies (allAfrica, 2015). The focus of the body, however, appears to be more in line with protecting Algeria from terrorism and other similar threats than with regards to protecting children from online CSE.

Also in Algeria, children can lodge cases against an alleged perpetrator of a sexual offence with the public prosecutor or the juvenile court, however the presence of a parent or guardian is mandatory (CRIN 2014a, p. 2). This can prove difficult in cases where one of the parents is the abuser or both are complicit in the abuse. Additionally, Algeria does not have an independent mechanism to deal with children's complaints or to provide remedies for such violations (United Nations 2012, para. 17-18).

LAW ENFORCEMENT

As experience from the Global North has shown, combating and preventing online child sexual exploitation involves the harmonization of laws across jurisdictional boundaries and the coming together of multiple criminal justice and societal agencies—including the private sector. Industry can assist law enforcement in ensuring rapid and diligent work in the delay and prevention of further dissemination of online material by offending groups, as well as the collection, archiving and ease of access to evidence in prosecuting those responsible (DeMarco, Davidson, Scalley & Long, 2015). Building better partnerships across the legal and non-legal partners, and refraining from alienating or villainising particular organizations as 'bad practice,' is one strategy that can lead to strengthened coordination between different actors to combat cybercrimes (Wei, 2011).

Microsoft, Facebook, and the National Center for Missing and Exploited Children's (NCMEC) have developed a PhotoDNA program to combat indecent child images. NCMEC's program, using image-matching technology created by Microsoft Research in collaboration with Dartmouth College in the UK, provides online service providers an effective tool to take proactive action to stop the distribution of known images of child sexual abuse online.[84] Although it is

> **Jordan and #WeProtect**
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> Organisations like the Virtual Global Taskforce (VGT) and the Internet Watch Foundation (IWF) have made good headway in attempting to protect children online. VGT is an organization that comprises several international law enforcement agencies from Australia, Canada, the United States, the United Kingdom, and Interpol. Through the provision of advice and support to children VGT aims to protect children online and has set up a bogus website to attract online groomers. The Internet Watch Foundation (IWF) is one of the main government watchdogs in this area. Although based in the UK the IWF is a part of the EUs Safer Internet Plus Programme, and is part of the International Association of Internet Hotlines (INHOPE) network.
>
> This model of policing has emerged within Jordan as part of the #WeProtect global campaign. AS recently as November 2015, a newly established police unit on online crimes perpetrated against children has been established as is being trained by international bodies such as Interpol and European counterparts. The officer training follows an induction style professional development template, where officers are educated on identifying youth risks, supporting youth in staying safe online, and empowering them on how to report and disclose the crimes when they occur. Although there is no evaluation on the success of this initiative, the current investigative country-specific mission should illustrate functionality and transparency.

not immediately clear which countries worldwide subscribe to the services and initiatives developed through Microsoft and NetClean in administering Photo DNA, Microsoft does freely provide this technology and advocate its use. Many MENA countries do have specific Microsoft officers dealing with online abuse, it is not yet known the mechanics of their operational capacities. Egypt has taken steps, through partnership between its Ministry of Communications and Information Technologies,

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[84] See: Official Microsoft Blog, May 19 2011, '500 million friends against child exploitation'. Available at: http://blogs.microsoft.com/blog/2011/05/19/500-million-friends-against-child-exploitation/#sm.000s00mk213mycrmvii2p7lpo3t4x

ICMEC, and Microsoft in applying Child Expoitation 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. The training initiative is intended to address the global nature of online CSA and covers aspects such as investigation, collecting evidence, and gaining assistance from the private sector in order to facilitate investigations (ICMEC 2016).

Algeria is one of the 17 countries that forms the UNICEF global programme to protect children from online sexual exploitation and in November 2015 took part in the #WeProtect Children Online Global Summit. This collaboration includes technology companies such as Apple and Facebook, law enforcement, government and NGO's. It ensures that, through co-ordinated national and global working, agreements are in place to protect children online from sexual exploitation (UN 2015). Algeria has a department within their police force and gendarmerie responsible for cyber security dedicated to the protection of children and adolescents. In addition, the Direction Generale de la Surete Nationale (DGSN) organises information and awareness sessions in schools on best practices and Internet risks including on mobile devices.

ONLINE SAFETY AND CYBER-SECURITY

In Egypt, the Suzanne Mubarak Women's International Peace Movement launched the Cyber Peace Initiative in 2007. The Cyber Peace Initiative (CPI) aimed, through collaborative practices across government and industry, to empower young people through ICT use and ensure that they are safe, confident, and informed online. The CPI focuses on: the development of ICT skills for young people; their ability to prosocially and effectively communicate intents, emotions, meanings, and expectations; internet safety educational programmes (tutorials); and capacity building amongst educators and service providers. This was primarily achieved through collaborations between NGO's and educational departments. A youth-led focus group was established to ensure a youth-centric approach and in consideration of their status as 'digital natives' (although it is understood that the concept of a digital native in the MENA region is markedly different than that in Western societies).

The youth focus team adopted the name *'Net-Amen'* and had 11 members between the ages of 11 and 28; their work directly linked to the creation, maintenance and utility of the AMANAK safety portal (see text box). 'Net-Amen' subscribed to four guiding principles:

1. Research the current e-safety needs of young people in Egypt to better understand the wide range of concerns shared by youth and their families.
2. Assess the most appropriate guidelines for young people in safe use of the internet.
3. Create and design effective education and awareness resources to communicate e-safety information to young people and their parents.
4. Contribute to wider strategic programs and assess them from the youth perspective.

'Net-Amen' conducted research with the government on the online safety needs of Egyptian youth. This included choosing appropriate online safety directions for families and youth, and considering the most appropriate and effective education and awareness materials. In addition, through its

Facebook account, it was able to bring together additional information technology clubs in harder to reach areas, ensuring access to technology and associated information.

The work of *'Net-Amen'* may provide a baseline model for establishing youth-centric partnerships and programmes that aim to protecting young people online in way that is culturally and age-appropriate. At the time of writing however, it seemed as if both the CPI and 'Net-Amen' were no longer functioning online.

In Jordan and Kuwait, Yahoo! Maktoob provides a safety campaign and initiative entitled "Safety Oasis." The focus of this safety initiative is to provide six- to twelve-year old children with the skills to use and navigate the internet safely (Sutton 2010). Chatting, emailing and web browsing are all included in a safety programme that results in children receiving a safety certificate upon completion (Sutton 2010). The programme, however, is delivered through existing Yahoo! Channels and there is currently no evidence of an evaluation or other monitoring. While this is a positive step, and one backed by the Jordan Education Initiative (Sutton 2010), it is unclear whether this programme is offered to children at school, whether it is clearly advertised, or how many children are taking part in the Safety Oasis initiative.

February 2010 saw Tunisia host the 1st International Symposium entitled "Youth in Cyberspace: Legal and Ethical Boundaries" (allAfrica 2010). The symposium was organised by the Tunisian Association for Internet Law, and discussed the need for internet safety initiatives in schools, government action, and for parents to have more involvement in teaching their children about online safety. It is unclear however what has been implemented following this and what is available to young people and families in Tunisia (FOSI 2014). The Tunisian Computer Emergency Response Team (tunCERT) was put in place by the Ministry of Communication Technologies in order to ensure the national security of computer systems. The project includes a guide containing information for parents and children on internet safety that is available from their website.[85]

It has been reported that Morocco's National Cybersecurity Management System (NCSecMS) aims to be a good practice model in cyber-safety (Debbagh 2009). However, despite an active digital inclusion agenda (discussed in further detail below), there are very few studies regarding the use, literacy, and safety of young people online in Morocco (Manara Network for Child Rights 2011).

DIGITAL INCLUSION

There is currently significant focus and investment in MENA for increasing ICT usage and sustainability to promote economic and social development. Digital inclusion agendas provide an entry point to promote awareness and skills development on online safety for both children and adults. Appropriately targeted, digital inclusion strategies can also help empower young people to harness the many economic, educational, and civic benefits of the internet—benefits that may potentially minimises online harms for children.

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

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[85] See: http://tuncert.ansi.tn/.

2003 by King Abdullah II) in order to increase access to computers in schools and knowledge overall. However, there does not appear to be much, if any, information regarding internet safety initiatives under these national ICT development agendas.

In Algeria, while there is a government level push to increase the availability of computers in houses and schools (see, 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), there is very little literature pertaining to education on online safety and risks (FOSI 2014). Anecdotally, the DGSN conduct information sessions in schools in order to help children understand the potential risks and best practice when using online technologies.

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, acknowledging the importance of digital literacy, inclusive education, knowledge, and awareness of internet safety (MCIT ICT Strategy 2012-2017 2012). It is not clear, however, whether children's online safety programs have been integrated into MCIT's roll out of its strategy for digital inclusion and literacy.

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). Two sequential national governmental programmes led the way at the beginning of the 20th century. The *'e-Maroc'* initiatives were structured to assist Morocco with affordable, fair and equal access to the internet, bringing devices, provision, and knowledge to citizens across the socio-economic divide. This includes a focus on ensuring that children in schools had access to new and developing technologies as part of their education and learning curriculum, which firstly is critical to the civic engagement and participation but also ensures that digital youth are empowered and aware of safety and risk while online (Debbagh 2009). Finally, this does demonstrate a top-down approach by the government in working with the development and education sector to protect users and youth in cyberspace (Hajji 2001).

In the present, the government is now pushing its *'Maroc Numeric 2020'* (formally 2013) which continuously looks to integrate ICT into the commercial sector while ensuring equality to access and continuation of services. '*Maroc Numeric 2020'* also provides a pseudo public-awareness format where the primary focus is at reaching as many members of the population as possible while advocating good, safe, and aware internet use (MCT 2013). Both the *'e-Maroc'* and *'Maroc Numeric'* initiatives have allowed youth to participate as stakeholders, to ensure it spoke to their needs, worries, and expectations, and assisted with their own empowerment.

There have been criticisms in terms of implementations, transparency, and deliverables (*Evaluation de la strategie*, 2013). In the future, governments must work with their local and individual institutions (law enforcement, schools, and community groups) to ensure multi-partnership needs are met mutually and idiosyncratically. It is recommended that public authority figures and organisations, such as community faith groups or schools (i.e. teachers, religious scholars) play a fundamental part in both receiving funds, directing resources, and assisting with the delivery, access, and education of safe and aware internet users, across age, economic status, and gender (DeMarco 2013).

FILTERING, BLOCKING, NOTICE AND TAKE DOWN PROCEDURES

Partnerships with ISPs in implementing self-regulation and cooperation are key in prevention and intervention. The Mobile Alliance Against Child Sexual Abuse Content is an alliance founded by an international group of mobile operators within the GSMA with the key aim of obstructing the use of the mobile environment by individuals or organizations wishing to consume or profit from child sexual abuse content. Key measures include:

- Implementation of technical mechanisms to prevent access to web sites identified by an appropriate agency as hosting child sexual abuse content
- Implementation of notice and take down processes to enable the removal of any child sexual abuse content posted on their own services
- Supporting and promoting hotlines or other mechanisms for customers to report child sexual abuse content discovered on the internet or mobile content services

In Algeria, Algerie Telecom provide a free parental filtering option to limit and block harmful content on children's computer and mobile technologies (Algerie Telecom 2011). The filter also allows parents to limit the number of hours children use technology and comes with a guide for ease of use (Algerie Telecom 2011). The filter comes with child and adolescent settings, allowing parents to adjust the level of filtering according to the age of the child.

In Jordan, Internet filtering and blocking appears to be led by the government, with Internet Cafes required to block inappropriate content such as pornography (ANHRI 2008). Some ISPs provide voluntary filtering options, with ISP Orange providing two types of parental filtering that allows parents to control access to restricted sites (Orange 2016). However, the filtering service being provided by Orange requires additional payments that increase according to the level of cover required (global or customised levels).

REPORTING OF OFFENSIVE OR ILLEGAL ONLINE CONTENT

Limited information was available on reporting mechanism for offensive or illegal online content in MENA countries under this study. One example that that did emerge was from Egypt, where MCIT have set up a hotline (line 108) to report cybercrime—supposedly under strict confidence. Reportedly, nearly three-quarters of all cybercrimes perpetrated in Egypt are reported through this mechanism. The most recent statistics provided are nearly six years old and in the interim, it is believed that the Ministry of the Interior now controls the hotline, in which confidentiality is no longer guaranteed (dependent upon the severity of the crime).

Although no formal evaluation has been conducted of the efficacy of the hotlines and/or partnerships, progress is being made. In 2014, they received over 1.5 million reports of illegal content through the hotlines, with nearly 2/3rds of the content validly identified as child sexual abuse material. 98% of those child sexual abuse reports made were in the least passed to appropriate law enforcement officials within twenty-four hours of receipt (INSAFE-INHOPE, 2015).

DATA COLLECTION

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. For example, GSMA and NTT DOCOMO (2013) attempted to explore the use of mobile technologies in Algeria. They surveyed 1000 8-18 year olds and their parents. The researchers identified that 70% of respondents owned a mobile telephone, with 41% using their mobile telephone to access the internet. 70% of parents had introduced rules to encourage safe usage of mobile telephones. However, 62% of parents felt concerned about their children's privacy levels online, with 80% concerned about children viewing inappropriate content. The report identifies that parental control services were available to 60% of the parents sampled, of which 57% used content filters, 49% used usage controls (for example blocking telephone numbers), and 17% used locator services for their children. 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.

9. CONCLUSION—LOOKING AHEAD

This document constitutes the first substantive review of the legislation and policies addressing online child sexual exploitation in the MENA region. It is framed within a broader child protection, inter-sectoral, and inter-agency approach to keeping children safe, while protecting the rights and opportunities that the internet presents.

The next phase of reporting will incorporate findings from field missions and a review of relevant law and policies within the region:

1. Verify the existing legislation and policy collected, and the understanding and interpretation of it presented in this review
2. Report any additional policies – existing or drafted/planned in addition to documents collected during this review
3. Better understand the country mechanisms and interventions that have not been documented
4. Specifically report insights from stakeholders that sit within industry and civil society, as well as any inter-agency/partners/collaborations that may have been established
5. Determine from those in-country what they perceive the priority areas, and gaps, to be

It must be noted that throughout the country visits, the team will continue to build on the gaps identified in this literature review, wherever possible.

REFERENCES

Abaid, N. & Mansoor, Z. F., (2010), *Criminal Law and the Rights of the Children in Muslim States: A Comparative and Analytical Perspective*, British Institute of International Comparative Law

ACBF. 2014. *The African Report on Violence Against Children*. Addis Ababa: The African Child Policy Forum (ACPF).

ACCD. 2010. "Comparative Study on Violence Against Children" http://srsg.violenceagainstchildren.org/sites/default/files/documents/docs/league_of_arab_states_comparative_study_on_violence_against_children.pdf.

Access World News. 2016. "Teen sexting prompts efforts to update child porn laws." *Associated Press State Wire: Hawaii*, March 17, 2016.

African Union. 1999. *The African Charter on the Rights and Welfare of the Child*. http://pages.au.int/acerwc/documents/african-charter-rights-and-welfare-child-acrwc

African Union. 2000. *Convention on Cyber Security and Personal Data*.

Ali, M. 2013. *A Maqasid Approach to Protecting Victims of Child Sexual Abuse in the Maldives, Compliant with the UN Convention of the Rights of the Child*. PhD Thesis, University of London.

Ali, M. 2014. "Child sexual abuse: can the doctrines of al-maqasid al-shariah and maslahah assist in challenging the honour ideology?" *International Journal of Human Rights*, 18:4-5, 508-526.

AllAfrica.com, 22 February 2010, 'Tunisia: ALECSO and Isesco Organize Conference On "Youth and Cyberspace"'. Available at: http://allafrica.com/stories/201002230353.html

An-Na'im, A. A. 1990. *Toward an Islamic Reformation*. Syracuse: Syracuse University Press.

Anwarullah. 1997. *The Criminal Law of Islam*. Kuala Lumpur, Malaysia: Precetakan Zafar Sdn. Bhn.

APC. n. d. "Children's rights, the digital era and freedom of expression: an analysis from the African perspective." https://www.apc.org/en/system/files/Chapter%201%20,2%203.%204,%20and%205%20%2014%20august%20final.pdf

Awdah, A. Q. 1987. *Criminal Law of Islam, Vol. III*. International Islamic Publishers (PVT) Ltd.

Azam, H., (2015), *Sexual Violation in Islamic Law: Substance, Evidence and Procedure*, Cambridge University Press, USA

Bachan, K., S. Stevenson, and N. van der Gaag. 2012. "Girls in Cyberspace: Dangers and Opportunities." In *Adolescent Girls, Cornerstone of Society: Building Evidence and Policies for Inclusive Societies*, edited by M. Perisic, M. Komarecki, and A. Minujin, 119-137. http://www.equityforchildren.org/wp-content/uploads/2014/09/P60151-AdolescentGirls_print.pdf

Bahnassi, F. A. 1982. "Criminal Responsibility in Islamic Law." In *The Islamic Criminal Justice System*, edited by C. M. Bassiousi. Oceana Publications.

boyd, danah, Eszter Hargittai, Jason Schultz, and John Palfrey. 2011. "Why Parents Help Their Children Lie to Facebook about Age: Unintended Consequences of the 'Children's Online Privacy Protection Act.'" *First Monday*, 16(11). http://webuse.org/p/a36/.

Burkhart & Older (2003), 'The information revolution in the Middle East and North Africa', National Defence Research Institute & RAND. Available at: https://www.rand.org/content/dam/rand/pubs/monograph_reports/2005/MR1653.pdf

Burton, Patrick, C. L. Ward, L. Artz, and L. Leoschut. Forthcoming. *The Optimus Study South Africa: A national study of child sexual victimization*. CJCP Monograph series No 15, Cape Town, South Africa.

Campbell, Kristine A., Lawrence J. Cook, Bonnie J. LaFleur, Heather T. Keenan. 2010. "Household, Family, and Child Risk Factors After an Investigation for Suspected Child Maltreatment: A Missed Opportunity for Prevention." *Arch Pediatr Adolesc Med.* 2010;164(10):943-949. doi:10.1001/archpediatrics.2010.166.

Chérif, Leila, Hela Ayadi, Souhel Khemekhem, Yousr Moalla, and Farhat Ghribi. 2014. "Risk Factors for Youth Problematic Internet Use: A Cross-sectional Study." *Adolescent Pscyhology*, Volume 4, Number 2, April 2014, 122-129(8).

Child Exploitation and Online Protection Centre. 2012. Threat assessment of child sexual exploitation and abuse. London: Child Exploitation and Online Protection Centre. http://www.ceop.police.uk/Documents/ceopdocs/CEOPThreatA_2012_190612_web.pdf.

CoE. 2001. *Convention on Cybercrime*. November 11, 2001, Budapest.

CoE. 2007. "Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse." October 25, 2007, Lanzarote.

CoE. 2012a. "Protecting children against sexual violence; the criminal law benchmarks of the Budapest and Lanzarote Conventions." Strasbourg: Council of Europe Global Project on Cybercrime.

CoE. 2012b. *Protection of Children against Sexual Exploitation and Sexual Abuse*. Strasbourg Cedex: Council of Europe Publishing.

Commission on Crime Prevention and Criminal Justice. 2014. *Study facilitating the identification, description and evaluation of the effects of new information technologies on the abuse and exploitation of children*. UNODC, E/CN.15/2014/CRP.1. https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_23/E-CN15-2014-CRP1_E.pdf.

CRIN. 2014a. *Access to Justice for Children: Algeria*. https://www.crin.org/sites/default/files/algeria_access_to_justice.pdf

CRIN. 2014b. *Morocco: Access to Justice for Children*.
   https://www.crin.org/sites/default/files/morocco_access_to_justice_0.pdf

CRIN. 2015a. *Access to Justice for Children: Bahrain*.
   https://www.crin.org/sites/default/files/bahrain_access_to_justice.pdf

CRIN. 2015b. *Access to Justice for Children: Jordan*.
   https://www.crin.org/sites/default/files/jordan_access_to_justice_0.pdf

CRIN. 2016. *Rights, Remedies & Representation: Global Report on Access to Justice for Children*.
   https://www.crin.org/sites/default/files/crin_a2j_global_report_final_1.pdf.

Davidson, J. and E. Martellozzo. 2010. *Kingdom of Bahrain State of the Nation Review of Internet Safety*. Kingdom of Bahrain: Telecommunications Regulatory Authority.
   http://tra.org.bh/media/document/State%20of%20the%20nation%20review%20full1.pdf.

Debbagh, T., Secretary General, Ministry of Industry, Trade and New Technologies Morocco (2009), 'National Cybersecurity Management System: Framework, Maturity Model and Implementation Guide', Presentation to ITU Regional Cybersecurity Forum for Africa and Arab States, June 2009, Tunisia. Available at: https://www.itu.int/ITU-D/cyb/events/2009/tunis/docs/debbagh-morocco-cybersecurity-june-09.pdf

DeMarco, J. N., J. C. Davidson, M. Scalley, and E. Long. 2015. *ISEC Illegal Use of the Internet: Policing, collaboration and victimization—A Review of the Literature*.

Dunne, B. 1998. "Power and Sexuality in the Middle East." *Middle East Report*.

European Financial Coalition Against Commercial Sexual Exploitation of Children Online. 2013. *Commercial Sexual Exploitation: A Strategic Assessment*.

ECOSCOC. 2005. *Guidelines on Justice in Matters Involving Child Victims*. ECOSOC Resolution 2005/20. www.un.org/en/ecosoc/docs/2005/resolution%202005-20.pdf

ECPAT International. 2008. "Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Jordan."
   http://www.ecpat.net/sites/default/files/Global_Monitoring_Report-JORDAN.pdf

Fair, S. and Shah, N. (2011). In Pursuit of Change. In *Digital Alternatives with a Cause? Book 1: To Be.* Nishant Shah and Fieke Jansen (Eds.), p. 59-64.

Farmer, E. 2010. *What do we know about child sexual abuse?* (Unpublished report). London: National Society for the Prevention of Cruelty to Children.

Family Online Safety Institute, 2014. Global Resource and Information Directory, accessed 15 June, 2016. www.fosigrid.org

Government of Egypt, Egypt Ministry of Communications and Information Technology (2012), 'National ICT Strategy 2012-2017: Towards a Digital Society and Knowledge-based Economy'. Available at: http://mcit.gov.eg/Upcont/Documents/ICT%20Strategy%202012-2017.pdf

Haji, M. and Negi, P. (2013). Ascertaining jurisdictional and related issues: Cyberspace analysis. *Second International Conference of the South Asian Society of Criminology and Victimology.* K. Jaishankar & Natti Ronel (Eds)*.* p.422-424

ICMEC. 2016. *Child pornography: model legislation and global review*. http://www.icmec.org/wp-content/uploads/2016/02/Child-Pornography-Model-Law-8th-Ed-Final-linked.pdf.

Internet World Stats. 2016. "Africa." Accessed November 16, 2016. http://www.internetworldstats.com/africa.htm.

INTERPOL. 2015. "INTERPOL brings together experts to share best practice in combating 'sextortion.'" http://www.interpol.int/layout/set/print/News-and-media/News/2015/N2015-130

Ith, Tracy. 2015. "Microsoft's PhotoDNA: Protecting children and businesses in the cloud." *Microsoft News Center,* July 15, 2015. http://news.microsoft.com/features/microsofts-photodna-protecting-children-and-businesses-in-the-cloud/.

Janaby, Mohamad Ghazi. 2015. "Implementation of International Law by the Domestic and Constitutional Courts of Jordan."

Jordan, P. 2000. *Adolescent Violence in Cities from a Public Health Perspective*. Lage, Verlag Hangs Jacobs.

Garcia de Diego, S. 2012. *Understanding the use of ICTs by children and young people in relation to their risks and vulnerabilities online specific to sexual exploitation: A youth-led study in Latin America*. Bangkok: ECPAT International. http://resources.ecpat.net/EI/Publications/ICT/ICT%20Research%20in%20LatinAmerica_ENG.pdf.

Gigli, S. and V. Marles. 2013. A (Private) *Public Space: Examining the Use and Impact of Digital and Social Media Among Young People in Kenya*. Nairobi: UNICEF Kenya. http://www.unicef.org/csr/files/UNICEF_Kenya_Digital_and_social_media_use_and_habits_among_adolescents.pdf.

Gillani, Waqar and Salman Masood. 2015. "Widespread Child Sexual Abuse Case Rocks Pakistan." *The New York Times,* August 9, 2015. http://www.nytimes.com/2015/08/10/world/asia/widespread-child-sex-abuse-case-rocks-pakistan.html.

gov.uk. 2014. "Global war declared on online child sexual abuse." https://www.gov.uk/government/news/ending-online-child-sexual-exploitation-uk-leads-global-summit-in-london-weprotect-children-online.

GSMA and NTT DOCOMO. 2013. *Children's Use of Mobile Phones, an International Comparison, 2013*. London: GSMA. http://www.gsma.com/publicpolicy/myouth/research.

Guan S.S. and K. Subrahmmanyam. 2009. "Youth Internet Use: Risks and Opportunities." *Current Opinion in Psychiatry*, 4 (2009) 351-356.

Haeri, Shahla. 1999. "Woman's Body, Nation's Honur: Rape in Pakistan." In *Hermeneutics and Honor*, edited by Asma Afsaruddin, Harvard Middle Eastern Monographs.

Hussin, N. 2005. "Juvenile Delinquencies in Malaysia: Legal Provisions and Prospects for Reforms." Paper presented at the *4th World Congress on Family Law and Children's Rights*, Cape Town, South Africa.

llan-Clarke, Y., Bunn, A., DeMarco, J., Bifulco, B., Criddle, J., Holdsworth, J. (2013). Setting up a youth violence prevention project in a London hospital emergency department. *Journal of Public Mental Health*, 12:2 , p. 80-92.

Johnstone, Naomi. 2015. *Tribal Dispute Resolution and Women's Access to Justice in Jordan*. Amman, Jordan: WANA Institute.

Kamali, H. M. 2003. *Principles of Islamic Jurisprudence*. The Islamic Text Society.

Khan, T. M. and M. H. Syed. 2007. *Criminal Law in Islam*. New Delhi: Petagon Press.

Kleine, Dorothea, David Hollow, and Sammia Poveda. 2014. *Children, ICT and Development Capturing the potential, meeting the challenges*. Florence, Italy: UNICEF. https://www.unicef-irc.org/publications/pdf/unicef_royalholloway_ict4dreport_final.pdf.

LAS. 2010. *The Comparative Arab Report on Implementing the Recommendations of the UN Secretary-General's Study on Violence Against Children*. Tahrir Square: LAS Secretariat.

LAS. 2013. *The Comparative Arab Report on Implementing the Recommendations of the UN Secretary-General's Study on Violence against Children: Second Report 2010-2012*. Tahrir Square: LAS Secretariat.

Latonero, Mark. 2011. *Human Trafficking Online.* https://technologyandtrafficking.usc.edu/files/2011/09/HumanTrafficking_FINAL.pdf.

Latonero, Mark et al. 2012. *The Rise of Mobile and the Diffusion of Technology facilitated trafficking*. https://technologyandtrafficking.usc.edu/2012-report/.

Latonero, Mark, Monica Bulger, M. Ali, K. Aryal, Emma Day, and Bronwyn Wex. 2016. *Online Sexual Exploitation of Children in South Asia, Literature Review*. New York: Data & Society, commissioned by UNICEF ROSA.

Livingstone, Sonia. 2010 "e-youth: (future) policy implications: reflections on online risks, harm and vulnerability." Keynote address at *e-Youth: Balancing between opportunities and risks*, 27-28 May 2010, UCSIA & MIOS University of Antwerp, Antwerp, Belgium.

Livingstone, Sonia, L. Haddon, A. Görzig, and K. Ólafsson. 2011. *EU Kids Online final report*. London: London School of Economics. http://eprints.lse.ac.uk/39351/.

Livingstone, Sonia and Monica Bulger. 2013*. A Global Agenda for Children's Rights in the Digital Age: Recommendations for Developing UNICEF's Research Strategy*. http://www.unicef-irc.org/publications/702.

Livingstone, Sonia, J. Carr, and J. Byrne. 2015. "One in Three: Internet Governance and Children's Rights," *Global Commission on Internet Governance, Paper Series:* No 22, November 2015. https://www.cigionline.org/sites/default/files/no22_2.pdf.

Livingstone, Sonia and E. J. Helsper. 2010. "Balancing opportunities and risks in teenagers' use of the internet: The role of online skills and internet self-efficacy." *New Media & Society*, 12(2): 309-329.

Livingstone, Sonia and Leslie Haddon. 2009. *EU Kids Online: Final report*. LSE, London: EU Kids Online.

Maroc Numeric Cluster, 'Plan Strategique MNC 2020'. Available at: http://www.marocnumericcluster.org/index.php?option=com_content&view=article&id=240&Itemid=94&lang=fr

Manara Network for Child Rights. 2011. *Country Profile of Jordan*. http://www.ibcr.org/editor/assets/Jordan%20Country%20Profile.pdf

Mascheroni, G. and K. Ólafsson. 2014. *Net children go mobile: risks and opportunities* (2nd ed.)*.* Milan, Italy: Educatt.

National Council for Family Affairs. 2008. "Children in Jordan: Situation Analysis 2006/7 – Summary." http://www. crin.org/docs/Summary_situation_analysis_jordan_eng.pdf

Ndiaye, Fatoumata. 2014. "Tech companies and governments pledge to protect millions of children from sexual exploitation online." http://www.unicef.org/media/media_86244.html.

Omran, Islam. n. d. *Child Online Protection Experience in Egypt*. Presentation at Ministry of Communications and Information Technology, Egypt.

Ouis, P. 2009. "Honourable Traditions? Honour Violence, Early Marriage and Sexual Abuse of Teenage Girls in Lebanon, The Occupied Territories and Yemen." *International Journal of Children's Rights*, Vol. 17, p. 445-474.

Pais, Marta Santos. 2014. "Annual report of the Special Representative of the Secretary-General on Violence against Children." http://srsg.violenceagainstchildren.org/document/a-69-264_1138.

Pais, Marta Santos. 2015a. "A call for an empowering, inclusive and safe digital environment for children," *28th session of the Human Rights Council*, Monday 9 March 2015. http://www.ohchr.org/EN/Issues/Children/Pages/SafeDigitalEnvironment.aspx.

Pais, Marta Santos. 2015b. "Budapest Convention and Lanzarote Convention are core references for work promoted across regions. #ENDcybercrime" https://twitter.com/srsgvac/status/611080959904088064.

Palfrey et al. 2008. *Enhancing Child Safety and Online Technologies: Final report of the internet safety technical task force to the multi-state working group on social networking of state*. Berkman Centre: Attorney-Generals of the United States. http://cyber.law.harvard.edu/pubrelease/isttf/.

Peters, R., (2005), *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-first Century*, Cambridge University Press, United Kingdom

Poda, M. and A. Webb. 2014. "Disconnecting from and in the public sphere, connecting online: Young Egyptian women expand their self-knowing beyond cultural and body-image dictates." In *Women and ICT in Africa and the Middle East: Changing Selves, Changing Societies*, edited by I. Buskens and A. Webb, London: Zed Books, 122-123. https://idl-bnc.idrc.ca/dspace/bitstream/10625/53202/1/IDL-53202.pdf.

Porter, G., K. Hampshire, J. Milner, A. Munthali, E. Robson, A. De Lannoy, A. Bango, N. Gunguluza, M. Mashiri, A. Tanle, and A. Abane. 2016. "Mobile phones and education in Sub-Saharan Africa: From youth practice to public policy." *Journal of International Development* 28, 22-39.

Quraishi, A., (1997), "Her Honour: An Islamic Critique of The Rape Laws of Pakistan from a Women-Sensitive Perspective", *Michigan Journal of International Law*, Vol. 18, No.2, p. 287-320

Ramadan, S. 1961. *Islamic Law: Its Scope and Equity*. London: Macmillan.

Rishmawi, Mervat. 2015. "The League of Arab States: Human Rights Standards and Mechanisms." Open Society Foundations and Cairo Institute of Human Rights.

Rizvi, S. A. H., S. G. Masoodi, and T. Mahmood. 1996. "Adultery and Fornication in Islamic Criminal Law: A Debate." in *Criminal Law in Islam and the Muslim World: A Comparative Perspective*, edited by T. Mahmood et al., Qazi Publishers & Distributors.

Samuels, Crystal, Qunita Brown, Lezanne Leoschut, Janine Jantjies, and Patrick Burton. 2013. *Connected Dot Com: Young People's Navigation of Online Risks – Social Media, ICTs and Online Safety*. CJCP Research Report, Cape Town.

Sedlak, A. J. P. 1997. "Risk Factors for the Occurrence of Child Abuse and Neglect." *Journal of Aggression, Maltreatment & Trauma*. 1, 149-186.

Skinner, Gwynne, Robert McCorquodale, and Olivier de Schutter. 2015. *The Third Pillar: Access to Judicial Remedies for Human Rights Violations by Transnational Business*. ICAR/COR/ECCJ.

Slavtcheva-Petkova, Vera, Victoria Jane Nash, and Monica Bulger. 2014. "Evidence on the extent of harms experienced as a result of online risks: implications for policy and research." *Information, Communication and Society*, Volulme 18, Issue 1, 2015.

Soriano-Ayalaa, Encarnación and Antonio José González-Jiméneza. 2014. "Spanish and Moroccan youths on social networks: A quantitative study in Spain." *Procedia – Social and Behavioral Sciences*132 (2014) 32-36.

SRSG. 2014. *Realising Children's Potential and Minimising Risk: ICTs, the Internet, and Violence Against Children*. Office of the Special Representative to the Secretary General on Violence Against Children: New York.

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 Countrie*s. United States Commission on International Religious Freedom. http://www.uscirf.gov/sites/default/files/resources/USCIRF%20Constitution%20Study%202012%20(full%20Text(2)).pdf.

Mark Sutton, 19 December 2010, 'Yahoo! launches online saftey [stet] program in Jordan and Kuwait', arabianindustry.com. Available at: http://alpha.arabianindustry.com/technology/news/2010/dec/19/yahoo-launches-online-saftey-program-in-jordan-and-kuwait-4030377/

Svevo-Cianci, K., S. N. Hart, and C. Rubinson. 2010. "Protecting Children from Violence and Maltreatment: A Qualitative Comparative Analysis Assessing the Implementation of the U.N. CRC Article 19," *Child Abuse & Neglect*, Vol. 34, 45-56.

Tadjdini, Azin. 2012. "The OIC and Regional Challenges to International Law and Security." *Amsterdam Law Forum*, Vol. 42, Spring.

The Broadband Commission for Digital Development. 2015. *Cyber Violence Against Women and Children: a Worldwide Wake-up Call.*

Thornberry, T. P., M. Matsuda, S. J. Greenman, M. B. Augustyn, K. L. Henry, C. A. Smith, & T. O. Ireland. 2014. "Adolescent risk factors for child maltreatment." *Child Abuse & Neglect*. 38.

UK, Government of. 2003. Sexual Offences Act 2003. http://www.legislation.gov.uk/ukpga/2003/42/pdfs/ukpga_20030042_en.pdf

UN Global Compact. n. d. "Safaricom's App Keeping Kenyan Children Safe." https://www.unglobalcompact.org/take-action/action/case-example/102

UN Treaty Collection, MTDSG, Chapter IV, 11

UN Women & the Commonwealth. 2016. *Ending impunity for violence against women and girls in Asia*.

UNICEF. 2007. *La situation des enfants dans le monde 2007*. New York: UNICEF. http://www.unicef.org/french/sowc/archive/FRENCH/La%20situation%20des%20enfants%20dans%20le%20monde%202007.pdf.

UNICEF. 2011. *Regional Overview for the Middle East and North Africa, MENA Gender Equality Profile, Egypt*. http://www.unicef.org/gender/files/REGIONAL-Gender-Eqality-Profile-2011.pdf.

UNICEF. 2014. *Releasing Children's Potential and Minimising Risks*. http://srsg.violenceagainstchildren.org/sites/default/files/publications_final/icts/releasing_children_potential_and_minimising_risks_icts_the_internet_and_violence_against_children.pdf

United Nations. 1989. *Convention of the Rights of the Child*. http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx

United Nations. 2002. *Resolution adopted by the General Assembly*. A/RES/56/138.

United Nations. 2008. *Resolution adopted by the General Assembly*. A/RES/62/141.

United Nations. 2011. *General comment No. 13*. CRC/C/GC/13.

United Nations. 2012. *Consideration of reports submitted by States parties under article 44 of the Convention*. CRC/C/DZA/CO/3-4.

United Nations. 2013. *General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights.* CRC/C/GC/16.

United Nations. 2015. *Information and communications technology and child sexual exploitation*. A/HRC/31/34.

UNODC. 2015. *Model Strategies for Elimination of Violence against Children*. https://www.unodc.org/documents/justice-and-prison-reform/14-08451_Strategy_eBook.pdf

UNSG. 2006. *World Report on Violence Against Children*. http://www.unicef.org/violencestudy/reports.html

VGT. 2011. "Strengthening laws to combat online child sexual exploitation." http://virtualglobaltaskforce.com/2011/strengthening-laws-to-combat-online-child-sexual-exploitation/.

Wei, W. 2011. *Online child sexual abuse content: the development of a comprehensive, transferable international internet notice and takedown system*. Internet Watch Foundation.

Williams, K.R., and N. G. Guerra. 2007. "Prevalence and Predictors of Internet Bullying." *Journal of Adolescent Health*, 41 (2007) S14-21.

Wolak, Janis and David Finkelhor. 2013. "Are Crimes by Online Predators Different From Crimes by Sex Offenders Who Know Youth In-Person?" *Journal of Adolescent Health*, Volume 53, Issue 6, 736-741.

Wolak, Janis, David Finkelhor, K. J. Mitchell, and M. Ybarra. 2008. "Online 'predators' and their victims: Myths, realities, and implications for prevention and treatment." *American Psychologist*, 63(2), 111-128. http://www.unh.edu/ccrc/pdf/Am%20Psy%202-08.pdf.

World Vision Cambodia. 2006. "As if they were watching my body: a study of pornography and the development of attitudes towards sex and sexual behavior among Cambodian youth."

WSIS. 2005. *Tunis Agenda for the Information Society*. Tunis.

Yamani, M. 1996. *Feminism and Islam.* New York: Ithica Press.

Ybarra, M. L., K. J. Mitchell, David Finkelhor, and Janis Wolak. 2007. "Internet prevention messages: Targeting the right online behaviors." *Archives of Pediatrics and Adolescent Medicine*, 161, 138-145.

Zolo, Danilo. 2007. "The Rule of Law: A Critical Appraisal." In *The Rule of Law: History, Theory and Criticism*, edited by Pietro Costa & Danilo Zolo.

#WePROTECT children Online

Enablers	Capabilities		Outcomes	
Cross sector, multi-disciplinary collaboration	**Policy and Governance**	**1** Leadership: An accountable National Governance and Oversight Committee	**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.
		2 Research, Analysis and Monitoring: National situational analysis of CSEA risk and response; measurements/indicators		
		3 Legislation: Comprehensive and effective legal framework to investigate offenders and ensure protection for victims		
Willingness to prosecute, functioning justice system and rule of law	**Criminal Justice**	**4** Dedicated Law Enforcement: National remit; trained officers; proactive and reactive investigations; victim-focused; international cooperation	**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.
		5 Judiciary and Prosecutors: Trained; victim-focused		
Supportive reporting environment		**6** Offender Management Process: Prevent re-offending of those in the criminal justice system nationally and internationally		
		7 Access to Image Databases: National database; link to Interpol database (ICSE)		
	Victim	**8** End to end support: Integrated services provided during investigation, prosecution and after-care	**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		**9** Child Protection Workforce: Trained, coordinated and available to provide victim support		
		10 Compensation, remedies and complaints arrangements: Accessible procedures		
		11 Child Helpline: Victim reporting and support; referrals to services for ongoing assistance		
	Societal	**12** CSEA Hotline: Public and industry reporting for CSEA offences - online and offline; link to law enforcement and child protection systems	**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		**13** Education Programme: For: children/young people; parents/carers; teachers; practitioners; faith representatives		
		14 Child Participation: Children and young people have a voice in the development of policy and practice		
National legal and policy frameworks in accordance with the UNCRC and other international and regional standards		**15** Offender Support Systems: Medical, psychological, self-help, awareness.		
	Industry	**16** Notice and Takedown Procedures: Local removal and blocking of online CSEA content	**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.
		17 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		
		18 Innovative Solution Development: Industry engagement to help address local CSEA issues		
		19 Corporate Social Responsibility: Effective child-focused programme		
Data and evidence on CSEA	**Media and Communications**	**20** Ethical and informed media reporting: Enable awareness and accurate understanding of problem	**Awareness raised among the public, professionals and policy makers**	Potential future offenders are deterred. CSEA offending and reoffending is reduced.
		21 Universal terminology: Guidelines and application		

AGENCIES RESPONSIBLE FOR CHILD ONLINE PROTECTION

CEOP – The Child Exploitation and Online Protection Centre	CEOP is part of the National Crime Agency and works to protect children from harm both online and offline in partnership with local and international police and other agencies. CEOP also runs a Thinkuknow project (https://www.thinkuknow.co.uk/) which provides a wide range of resources for children, parents and teachers.
UKCCIS – The UK Council for Child Internet Safety	UKCCIS is the UK Government's practical vehicle for online child safety which brings together more than 200 organizations from across government, industry, law, academia and charity sectors to protect children online.
ISPs	In July 2013 the Prime Minister announced the four largest British ISPs (BT, Sky, TalkTalk and Virgin Media) had agreed to offer customers family-friendly network level filtering. Such filters allow consumers to manage access to Internet services such as age-appropriate content and contact risks.
IWF – Internet Watch Foundation	IWF is a non-governmental organization and a self-regulatory body which works in partnership with online industry, law enforcement, government and international partners. IWF operate an Internet hotline for public and IT professionals to report illegal content online anonymously and also proactively search for child sexual abuse materials.
CHIS – The Children's Charities' Coalition on Internet Safety	CHIS is comprised of eleven charities that work in the area of child protection and specialises in a range of issues including the Internet, trafficking of children and exploitation of children in travel and tourism. CHIS work with Internet industry, governmental bodies, the media and law enforcement.
ASA – The Advertising Standards Authority	The ASA is involved in the self-regulation of advertising across all media in the UK. ASA take complaints from the public and actively monitor and take action against the media for any misleading, harmful or offensive advertisements.
BBFC – The British Board of Film Classification	The BBFC is an independent and non-profit media content regulator which classifies content, including mobile and Internet content, in accordance with the existing classification and labelling system.
ATVOD – The Authority for Television on Demand	The ATVOD is an independent co-regulator for the content on the video on demand services.
Ofcom	Ofcom is the statutory body that oversees the regulation of all communications in the UK. Although it is not involved in the regulation of Internet content, their website provides a range of online safety material: http://consumers.ofcom.org.uk/Internet/online-safety-and-security/
UK SIC – The UK Safer Internet Centre	UK SIC is co-funded by the European Commission and is operated in cooperation by Childnet International, the South West Grid for Learning and the Internet Watch Foundation. UK SIC are responsible for the operation of an awareness centre, a helpline and a hotline organised by the Internet Watch Foundation.
South West Grid for Learning	The South West Grid for Learning is a non-profit organization which provides schools and other educational settings with a variety of online safety services and resources. The South West Grid for Learning also cooperates with Plymouth University other organizations to conduct publishable research about online safety.
EU Better Internet for Kids Programme	The European Strategy for a Better Internet for Children's main aim is to provide children with digital skills to fully and safely benefit from the Internet and to unlock the potential of the market for interactive, creative and educational online content.
Europol	The European Commission established a European Cybercrime Centre (EC3) in 2013 with a focus on the fight against various forms cybercrime in Europe. This includes child sexual exploitation where the centre aims to identify and dismantle existing criminal networks and to identify victims of sexual abuse.
Council of Europe	Council of Europe's "Building a Europe for and with children" promotes safer Internet practices for children. The programme focuses on promotion of child-friendly services and systems, eliminating violence against children, guaranteeing the rights of children in vulnerable situations and promoting child participation.
eNACSO – The European NGO Alliance for Child Safety Online	eNACSO is a network of 27 children's rights NGOs from across the EU who work for a safer environment for children. The key aim is to protect and promote children's rights on the Internet at a national, European and international level.
CEO coalition	Established in December 2011, the CEO coalition is a self-regulatory initiative within the European Commission's Better Internet for Kids programme. The companies involved agree to take positive action to make the Internet a safer place for children.
SSN Principles – Safer Social Networking Principles	SSN Principles were developed as guidelines for social networking providers and other user interactive sites to protect children and young people.
ICT Coalition	The ICT Coalition for children online is a self-regulatory initiative with the aim to assist younger Internet users in Europe to make the most of the online world. Members encourage children and young people to be safe and responsible online.

ENISA – The European Union Agency for Network and Information Security	ENISA aims to utilises cooperation between public and private sectors in order to address and respond to network and information security issues in the EU.
EASA – The European Advertising Standards Alliance	EASA is a self-regulatory authority aiming to promote ethical standards for advertising practices across Europe and beyond. In addition, EASA recognises the need for careful regulation of advertising which may target younger audiences.
EU Kids Online	EU Kids Online is an international research network that operates in 33 countries across and beyond Europe and was originally funded by the Safer Internet Programme and then the Better Internet for Kids programme. Their key goal is to enhance knowledge of the ways children use online environments and the risks and opportunities they may encounter.
Insafe	Insafe is a European network including 31 national awareness centres, each implementing awareness and educational campaigns, a helpline and working closely with youth to ensure an ecidence-based, multi-stakeholder approach to creating a better Internet.
European Schoolnet	The European Schoolnet is a network of 31 European Ministries of Education which implements a range of educational programmes including those which emphasise the importance of active and innovative use of ICT's in schools. Key areas of the organization's work include digital competence and eSafety.
COFACE – The Confederation of Family Organizations in the European Union	COFACE represents the interest of families within the EU and currently includes 56 member organizations from 22 countries. The main focus for COFACE is the implementation of family and social policies and it also runs several Internet safety projects.
OECD – The Organization for Economic Co-operation and Development	OECD adopted in February 2012 a high level of principles calling for evidence-based policy making and enhanced domestic and international co-ordination to improve national policy frameworks in order to protect children online. OECD advocates a multi-stakeholder approach including government and public authorities, parents and caregivers, educators and public institutions, private sector and children themselves.
ITU (COP) – The International Telecommunication Union (Child Online Protection)	ITU is the United Nations agency for information and communication technologies. The Child Online Protection initiative was launched in 2008 and promotes online safety of children around the world. ITU adopt a holistic approach to Internet safety and promote a national framework to assist in developing a positive online environment for children and young people.
IGF – The Internet Governance Forum	The IGF was established in 2006 as a global multi-stakeholder discussion platform dedicated to policy issues related to Internet governance. The Youth IGF project (http://www.youthigfproject.com/) was also introduced by Childnet international in 2006 to promote young people's participation in discussion surrounding Internet-related issues and policies
INTERPOL	INTERPOL has recently established a Global Complex for Innovation (IGCI) in Singapore which is an international initiative for blocking access to child sexual abuse materials internationally. INTERPOL is also a member of the COSPOL the Internet-related Child Abusive Material Project, whose goals is to detect, disrupt and dismantle networks, organizations or structures used for the production and/or distribution of child abuse materials and also to identify children and to stop further abuse.
VGT – The Virtual Global Taskforce	VGT was established as a platform for interaction and partnership between law enforcement agencies as well as NGOs working to protect children from online sexual exploitation.
NCMEC – National Centre for Missing and Exploited Children	NCMEC is a private, not-for-profit organization working as a central hub for posting information on missing and exploited children and providing a central base for law enforcement, industry and political infrastructures to share and discuss information with ongoing cases.
ICMEC – The International Centre for Missing and Exploited Children	ICMEC initiated the Financial Coalition Against Child Pornography (FCACP) which includes commercial organizations involved in managing various forms of electronic financial transactions. Members of the coalition have agreed to contribute to preventing the distribution of CSAMs payment which can be transferred through such electronic systems.
INHOPE – The International Association of Internet Hotlines	INHOPE unites 51 hotlines in 45 countries which are dedicated to the elimination of child sexual abuse material on the Internet. Each member hotline allows the public to report illegal content online through various mechanisms. An extensive network of stakeholders including law-enforcement bodies then ensure the content is removed as fast as possible.
GSMA – Groupe Speciale Mobile Association	GSMA represents the interest of mobile operators worldwide. As growing numbers of mobile operators offer their customers access to a range of content services, they are faced with the challenge of how to manage content which would have been subject to age restrictions if accessed through different channels.
FOSI – The Family Online Safety Institute	FOSI is a non-governmental organization with more than 30 members of the global Internet and communications market. FOSI focuses on public policy, the development of advice for industry, publicising best practice and encouraging good digital parenting.

UNICEF	In their report for UNICEF (A Global Agenda for Children's Rights on the Digital Age http://www.unicef-irc.org/publications/pdf/lse%20olol%20final3.pdf) Professor Sonia Livingstone and Dr. Monica Bulger argued for the pressing necessity for developing an Agenda for Children's Rights in the Digital Age.
ECPAT	ECPAT international is a global network of organizations whose work is dedicated to the elimination of child prostitution, CSAMs and trafficking of children for sexual purposes. ECPAT recognises the role of the Internet in distributing child sexual abuse images and attempts to implement effective practices for elimination.
WFA – The World Federation of Advertisers	The WFA is a global association of international advertising companies and national advertiser associations which aim to promote responsible and effective marketing communications. They also run the Responsible Advertising and Children Programme (RAC http://www.responsible-advertising.org/advertisingandchildren.asp) which helps members to grasp societal and parental perceptions or responsible marketing communications for children.
Childnet International	Childnet International aims to make the Internet a safer place for children and young people. Established in 1995, it is an independent charity that seeks to promote opportunities offered by digital technology whilst ensuring children can navigate the Internet safely.
UNESCO	UNESCO runs the "Innocence in Danger" project (http://innocenceendanger.org/en/) which aims to protect children and fight the growing threat of paedophilia on the Internet. It unites hundreds of non-governmental organizations and specialists whose work was aimed at the protection of children online.
CCRS – The Crimes against Children Research Center	The CCRS aims to provide quality research dedicated to crimes against children including child abduction, homicide, rape, assault, and physical and sexual abuse as well as their impact.
SID - Safer Internet Day	Safer Internet Day (SID) is organised by Insafe in February of each year to promote safer and more responsible use of online technology and mobile phones, especially among children and young people across the world
Pew Research Center's Internet & American Life Project	The Pew Research Center is a research centre that conducts public opinion polling, demographic research, media content analysis and other empirical research including that which explores the growth of the Internet and its impact on children, families, communities, the workplace, schools, health care and civic/political life.

Excerpted from DeMarco, Davidson, Scalley & Long (2015)