



**Industry Guidelines**  
**For**  
**Child Online Protection and Safety**  
**In**  
**Kenya**

**March, 2022**

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Pursuant to Section 4,9 and 21 of the Kenya Information and Communications (Consumer Protection), Regulations 2010, the Communications Authority of Kenya (thereinafter referred to as the Authority) makes the:

## **Industry Guidelines for Child Online Protection and Safety in Kenya, 2021**

### **1. Preamble**

- 1.1. These Guidelines may be cited as “*Industry Guidelines for Child Online Protection and Safety in Kenya, 2022*”.
- 1.2. These guidelines
  - 1.2.1. Form a basis for the design, development, deployment, commissioning, use, management, sale, marketing and publicity of communication products and services in Kenya that may be accessed and/or targeted for use by children.
  - 1.2.2. Provides safeguards for children’s access to and use of ICT services in Kenya

### **2. Interpretation**

- 2.1. The terms used in these Guidelines have the same meaning as in the Kenya Information and Communications Act, 1998 and the International Telecommunication Union (ITU) Industry Guidelines on Child Online Protection unless where the context otherwise requires. In particular:

**“Child”** means any human being under the age of eighteen years;

**“Complaint”** means any statement of dissatisfaction with the services of a licensee made by a customer; For the purpose of these guidelines, the term complaint shall also mean a report made to a service provider or to the Authority regarding exposure of a child to online risks, online vulnerabilities and online crimes or their participation in proliferating online risks, vulnerabilities and online crimes not limited to Child online Sexual exploitation and abuse (Child Pornography including exposure to child sexual abuse materials (CSAM), live streaming of child abuse, inappropriate self-generated content, sexting, sextortion, online solicitation (including grooming); online harassment (cyber, bullying, public shamming, cyber stalking, trolling, hate speech, intimidation, threats); cybercrimes (phishing, identity theft); radicalization (ideological persuasion, hate speech); and online addiction.

**“Customer”** means any person who uses the services or purchases the products of a particular licensee or vendor, without necessarily being a subscriber to that licensee or vendor;

**“Child Sexual Abuse Material”** means material that represents acts that are sexually abusive and/or exploitative to a child. This includes, but is not limited to, material recording the sexual abuse of children by adults, images of children included in sexually explicit conduct, and the sexual organs of children when the images are produced or used for primarily sexual purposes.

**“Disability”** means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation;

**“Licensee”** means a person licensed under the Act;

**“Subscriber”** means any person who purchases a communications service or agrees to receive and pay for the service from a licensee through a subscriber service agreement;

**“Subscriber service agreement”** means an agreement entered into by a licensee and subscriber for the provision of the licensed services to the subscriber;

**“Online child sexual exploitation”** means refers to the use of the Internet as a means to exploit children sexually

**“Vendor”** means a person who carries out the business of selling, reselling or distributing ICT terminal equipment used for the provision of licensed services.

### 3. Abbreviations

COP	Child Online Protection
CA	Communications Authority of Kenya
CSAM	Child Sexual Abuse Material
ICT	Information Communications and Technology
ITU	International Telecommunication Union
OCSE	Online Child Sexual Exploitation

### 4. Principles

4.1. These Guidelines are premised on the following principles

4.1.1. *Online Children’s rights:* Children should be allowed to exercise their rights to access to information and freedom of expression among other freedoms accorded to them by the Constitution of Kenya, 2010 online.

- 4.1.2. *Child Protection and Safety is everyone's responsibility:* The society as a whole including all participants of the Internet ecosystem are responsibility to safeguard children rights in the access and use of communication products and services
- 4.1.3. *A Multi-stakeholder approach is required:* Child online protection and safety requires a multi-stakeholder approach
- 4.1.4. *Commitment to online safety:* The development and deployment of mechanisms that respect children's rights and foster a safer online experience for children.
- 4.1.5. *Privacy and Safety by design:* This is crucial for the development of a safer internet and online experience for children
- 4.1.6. *Empowered consumer:* is at the crux of protection and safety in the online space
- 4.1.7. *Transparency and accountability:* The need to develop and implement mechanisms that enable communication product and service providers genuinely demonstrate their commitment to creating safer online environment
- 4.1.8. *Productive internet use:* The need to exponentially increase the design, development of products and services that enable children to think create, learn, play, explore an innovate.

## **5. Objectives**

- 5.1. The objectives of these Guidelines are to:
  - 5.1.1. Foster the development of technical tools and services in the market that minimize the risk of exposure of children to online risks and vulnerabilities
  - 5.1.2. Develop industry guidance on the identification, prevention and mitigation of adverse impacts of their products and services on children rights;
  - 5.1.3. Facilitate the operationalization of technical and organizational measures to promote a safer online experience for children;
  - 5.1.4. Develop industry guidance on how to promote children's rights and responsible digital citizenship among children;
  - 5.1.5. Trigger the development, deployment, use and promotion of appropriate and safer products and services that target children.

## **6. EFFECTIVE DATE**

- 6.1. These guidelines shall come into effect once executed and published by the Authority.

## **7. APPLICATION OF THESE GUIDELINES**

7.1. These Guidelines shall apply to:

- 7.1.1. All licensees who hold a License issued by the Communications Authority of Kenya under the Kenya Information and Communications, Act 1998;
- 7.1.2. All product and service providers in the value chain in the design, production, deployment, use of communication products and services in Kenya.
- 7.1.3. All products and services targeting children including children living with disabilities.
- 7.1.4. All licensees and service providers shall be required to implement the guidelines six (6) months after effective date. For new licensees, the licensee shall implement the guidelines within six (6) months after issuance of their License.

## **8. Industry Guidelines**

### **8.1. Guidelines for implementation of Organisation measures by the industry**

- 8.1.1. Develop, publish and implement a corporate child online protection and safety policy and strategy which at the very least details:
  - 8.1.1.1. The commitment by the leadership of the organization in matters child online protection and safety including the governance frameworks for implementation and management of this initiatives
  - 8.1.1.2. The objectives of the policy/strategy
  - 8.1.1.3. Strategy for increase in the development of productive and appropriate products and services targeting children and the youth that include, among other things, local content and educational content for children that encourages learning, creative thinking and problem solving.
  - 8.1.1.4. The core values and culture that promotes child online safety and protection
  - 8.1.1.5. The mechanism to infuse child online protection and safety issues, risks and opportunities into the design and development of products and services
  - 8.1.1.6. Mechanisms for assessment, reporting and publicity of impact of the organization's products and services to children's online experiences
  - 8.1.1.7. Mechanisms for the engagement of suppliers in the product and value chain that share similar culture and values on child online protection and safety
  - 8.1.1.8. A structure of the personnel, and resources provided for the implementation of the organizations child online protection and safety policy and strategy

- 8.1.1.9. The mechanism that will enable the organization obtain, collate and incorporation feedback from their customers including parents guardians and children that affect the safety design features of products and services.
- 8.1.1.10. Rules, system, processes and procedures that shall be employed to facilitate the design and implementation of safer products and services for use by children.
- 8.1.1.11. Mechanism to Assess, develop and implement the training needs and bridge the skills gaps for all staff including those charged with the operationalization of the organizational measures to protect children online.
- 8.1.1.12. Develop structures and mechanisms to develop and implement company and Industry codes of practice for the protection of children and young people online.
- 8.1.1.13. Mechanisms to continuously inform, education and empower children, parents and guardians on their rights and responsibilities as how they can leverage security and safety features in the organizations products and services and inform them of the safety features in their products and services.
- 8.1.1.14. Mechanism to clearly communicate rules relating to undesirable online behavior and how and where to report.
- 8.1.1.15. Align business practices with relevant legislation on marketing and advertising to children.
- 8.1.1.16. Develop, implement and promote initiatives that increase levels of digital literacy, capacity building and ICT skills among children, particularly children in rural and underserved areas, and children living with disabilities to utilize ICT resources and fully participate safely online.
- 8.1.1.17. Develop and implement capacity building initiatives within the organization to increase levels of technical skills in online safety, cybersecurity and child online protection and safety.
- 8.1.1.18. Designate a focal point who shall handle Child Online Protection and Safety issues and whose roles shall include among other things the responsibility to alert, when required the appropriate Authorities on incidences.
- 8.1.1.19. Where possible, develop and implement initiative, in collaboration with relevant stakeholders on online behavioral issues and the impact of social behavior reflects on online behavior.

## **8.2. Guidelines For Implementation of Technical Measures by the Industry**

- 8.2.1. Put in place internal procedures to ensure compliance under local and international laws on combating Child Sexual Abuse Material. (CSAM) and local laws on data protection
- 8.2.2. Develop and adopt Information security practices in line with Authority's General Information Security Best Practice Guides for Kenya.
- 8.2.3. Develop, deploy, use and publicize technical safety and security tools and measures at the device level, network level and service level that fosters safer internet experiences.
- 8.2.4. Develop, use and deploy safety and privacy-by-design principles
- 8.2.5. Develop, use and implement age-verification mechanisms in the deployment of communication products and services with a view to facilitate children's right to freedom of expression and access to information.
- 8.2.6. Develop and publicize notice and take down (NTD) and reporting processes including procedure for removal of material so as to allow subscribers/customers report child sexual abuse material or inappropriate content and the specific profile/location where it was discovered.
- 8.2.7. Develop and publicize the processes for handling of complaints and enquiries on online violation of children's rights (e.g., child sexual abuse material, inappropriate content or contact, breaches of privacy etc.). The processes and procedures must in the very least details the procedure to capture and submit evidence
- 8.2.8. Develop and publicize customer terms and conditions and/or acceptable use policies that, among other things, explicitly state the company's position on the misuse of its services to upload, post, transmit, store, share or make available child sexual abuse material and the consequences of any abuse.
- 8.2.9. Adapt and implement heightened default privacy settings for collection, processing, storage, sale and publishing of personal data, including location-related information and browsing habits, gathered from people under 18.
- 8.2.10. Ensure that content and services that are not age-appropriate for all subscribers/customers are classified in line with the Authority's Programming Code, and any other laws of Kenya as appropriate.
- 8.2.11. Deliberate increase in level of transparency and accountability on content that has been blocked, removed or taken down or extent of use of technical tools and impact it has on children's right to access to information and freedom of expression.
- 8.2.12. Where possible, invest in empirical and evidence-based research and in-depth analysis of digital technologies, the impact of technologies on children, child protection and child rights considerations with regard to the digital environment.



8.2.13. Develop mechanism to foster local innovation of technical tools and measures for child Online safety and protection.

8.2.14. Support law enforcement in the event of criminal investigations through such activities as capturing evidence. Make sure that terms of service and conditions state that the company will collaborate fully with law enforcement investigations in the event that illegal content is discovered or reported.

## **9. Specific Guidelines on Broadcast Content and Broadcasters**

9.1. Broadcasters, in addition to aforementioned guidelines, are required to adhere to the Kenya Information and Communications (Broadcasting) Regulations 2009 and the Authority's programming code as it details the specific requirements to the management and handling of content obtained from or relating to children.

## **10. Specific Guidelines for Application Service Providers and Content Service Providers**

10.1. Application Service Providers and Content service providers, in addition to the aforementioned guidelines, are required to package their products and services to third parties in line with these guidelines.

10.2. Internet service provider and application service providers shall subsequently embed the organizational and technical measures to third party agreements that shall in the minimum include mechanisms to address incidences and actions to be taken upon breach of the agreement. It is therefore expected that all communication services offered by the customers of ISPs and ASPs, especially where children may access these services, shall adhere to these guidelines and the obligations herein. e.g., in Content Providers, Online Retailers, App Developers, interactive and social media service providers, Cybercafes, Public Wi-Fi, schools etc.

## **11. Specific Guidelines for Mobile Operators**

11.1. Mobile service providers, in addition to the aforementioned guidelines, in the development of age-verification mechanism ensure that

11.1.1. All SIM cards that are to be used by children/minors shall be registered in line with the provisions in the Kenya Information and Communications Act, 1998 and the Kenya Information and Communications (Registration of SIM-cards) Regulations, 2015.

11.1.2. Mobile phone subscribers/customers are informed of the need to appropriately register their sim cards and declare the intended subscribers/customers (s) of the SIM cards.

11.1.3. The technical measures deployed on services offered to children should also be available to those targeted for use by adults.

## **12. Specific Guidelines for Hardware Manufacturers, Communication Devices and Equipment Vendors.**

12.1. In addition to the aforementioned technical and organizational measures and guidelines for features and technical specifications for mobile cellular devices imported into and distributed in Kenya, 2018, manufacturers and vendors of communication devices including customer premises equipment should:

12.1.1. Incorporated information on how a subscribers/ customer should activate built-in technical mechanisms that can be leveraged to facilitate safer internet experience in device subscribers/customers manuals.

12.1.2. Activated heightened default security prior to them being sold or made accessible to customers especially for devices that would be used by children

## **13. Reporting mechanisms**

13.1. All communication service providers shall document and submit their complaints management procedure in line with the Kenya Information and Communications (Consumer Protection), Regulations, 2010 and Kenya Information and Communications (Broadcasting), Regulations, 2009, as appropriate.

13.2. All communication service providers shall publicize to all their customers of the procedure and their right to seek redress.

13.3. In the development of complaints management process, all communication service providers or consumers may escalate the complaint to the Authority after exhausting the service provider's complaints mechanism or if dissatisfied with the resolution provided by the service provider. All communication service provider shall submit quarterly reports on all the complaints handled in a format that shall be prescribed by the Authority.

## **14. Compliance to the Guidelines**

14.1. Licenses communication service providers shall be required to have implemented these guidelines six (6) months after the effective date.

14.2. The Authority monitor the level of compliance to these guidelines and publish the compliance status on quarterly basis

- 14.3. All communication service providers are encouraged to undertake self-assessment to establish level of compliance to these guidelines.
- 14.4. Consumers are encouraged to make a complaint of any of the operational and technical measures to the Authority

## **15. Review of the Guidelines**

- 15.1. These guidelines may be reviewed from time to time, to ensure that it meets the Authority's statutory obligations in as far as its approach to consumer protection and specifically on child online protection and safety.

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