



National Computer Board

Child Safety Online Action Plan for Mauritius

January 2009

Confidential

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Executive Summary

Over the last decade the Internet has changed the way we communicate, the way we do business and ultimately the way we live. Most parents purchase a computer at home and get an Internet connection out of a desire to help their children's education through the wide range of information that the children may access on the net. The paradox though is that the very features that are so attractive for positive uses of such a powerful communication tool are equally attractive for negative uses.

Although most parents believe they are supervising their children effectively online, but according to an ICSF survey¹, conducted in September 2007 in Mauritius, it has been found that less than ten percent of parents monitored the websites visited by their children. Without the necessary action to ensure child safety online in Mauritius, the country runs the risk of facing an increasing number of cases where our young children are faced to online grooming, inappropriate materials, online gambling amongst others.

In order to address these issues, the National Computer Board had set up a Child Safety Online Committee with the prime objective of coming up with an Action Plan. The purpose of this report is to present the Action Plan that has been developed and it includes policy measures to be adopted in the context of Child Safety Online. As a preamble, this report provides a current state assessment in Mauritius and the International context.

The Child Safety Online Committee widely acknowledged that there should be actions to promote child safety online at the national level. After taking into consideration the main shortcomings at the national level and developments at the International level, the Committee came to the conclusion that the recommendations proposed in the Child Safety Action Plan should be based around the following six main aspects:

¹ Internet Child Safety Foundation Survey "Impact of Internet on Children", carried out in 2007 – see appendix C

- A. Public Awareness Campaign
- B. Safety Measures for Schools and Public Internet Access Points
- C. Best Practices for Internet Service Providers
- D. Child Safety Online Legislation
- E. Enforcement and Reporting Measures
- F. International Co-operation

The main recommendations and proposed actions for each of the above are shown below:

A. Public Awareness Campaign

Recommendation 1: Organisation of an Internet Safer Day

Recommendation 2: Focusing on child issues in existing IT Security awareness sessions

Recommendation 3: Child Safety Online Programme on TV and radio

Recommendation 4: Logo drawing competition

Recommendation 5: Child Safety Online Awareness sessions to schools, women centres and community centres

Recommendation 6: Child Safety Online Website

Recommendation 7: Publication and Dissemination of Child Safety Online brochures, stickers and posters.

Recommendation 8: Sensitisation during the 'Day of the African Child'

Recommendation 9: Increase of end user awareness on the options available for filtering of harmful content

Recommendation 10: Increase end user awareness on the importance of the Equipment Number (EG.IMEI)

B. Safety Measures for Schools and Public Internet Access Points

Recommendation 11: Safety measures, IT security policies, and filtering tools at schools

Recommendation 12: Include subject of risks facing children online in school curriculum

Recommendation 13: Code of conducts to be developed for fee-paying schools

Recommendation 14: Students and parents to be made aware of security policy at schools

Recommendation 15: Encourage the drafting of regulations under the coming child Safety Online Bill so that Public Internet Access Points, Cyber Cafés and Chat Rooms can implement adequate measures and IT Security policies.

C. Best Practices for Internet Service Providers (ISPs)

Recommendation 16: To encourage ISPs to provide filtering tools

Recommendation 17: ISPs and IT suppliers to adopt self-regulatory Codes of Conducts

D. Child Safety Online Legislation

Recommendation 18: Review of legal framework (including review of current reporting mechanisms)

E. Enforcement and Reporting Measures

Recommendation 19: Sensitise public on reporting mechanisms

Recommendation 20: Creation of a cyber patrol

F. International Co-operation

Recommendation 21: Enhancing collaboration with Interpol

Recommendation 22: Ratification and implementation of the UN Optional Protocol

G. Monitoring of the Action Plan

Recommendation 23: Setting up of a central co-ordination Committee to monitor and review the implementation of the proposed action plan and recommend future actions.

The detailed action plan for the recommendations can be found at section 7 of the report.

1. Introduction

Information and Communication Technologies (ICT) has become part of our daily lives – in the workplace and in our social and cultural activities. Increasingly, children are using the Internet since it is a potentially rich resource for them. The Internet also includes contents of exclusive nature meant for adult, that has until now, been difficult to filter for children. Children are exposed to a wide range of risks since they potentially can access offensive and harmful content through the Internet. The confrontation with some of this content may leave children and youngsters with traumatic experiences or it may impair their emotional, moral or social development or instigate them to commit life threatening activities. The young and inexperienced can end up talking to strangers, encountering pornography, or even being bullied online.

Parents may not understand the dangers lurking in cyber space, and hence put themselves and their children at risk. A parent may see a web cam as an easy and inexpensive way for a child to communicate with friends or relatives, but a predator sees it as an open window into a child's bedroom. The Internet is fast moving to cell phones and mobile devices and these can also be used to bully and harass a young person. Text messages can sometimes be hurtful and some phones have global positioning systems and software that allow teens to broadcast their location and obscene photographs can be sent from handset to handset.

The Child Safety Online issue has attracted attention at the international level and has been recommended for action by member states at the Tunis World Summit of the Information Society.

In this regard, safety of children online was identified as one of the areas of focus in the National Information Security Strategy (NISS) under the Internet Governance area and in the programme S2 (Information Security Culture and Emergency Response Systems) of the National ICT Strategic Plan (NICTSP) 2007-2011. The main projects in the NICTSP 2007-2011 for the safety of children online are the development of a Child Safety Online Action Plan and amendments to be made to the Child Protection Act to cater for the

issues of Child Safety Online. In this context, the National Computer Board has set up a Child Safety Online Committee to come up with an Action Plan for Child Safety Online.

The Committee members – the Government, the police, the Internet Community, and other organisations – have worked together to find solutions which will make the Internet a safer place for children in Mauritius without diminishing their enjoyment of the exciting opportunities which it offers.

The Objectives of the Action Plan is to address the issue of Child Safety Online in Mauritius and to come up with recommendations on measures to be implemented.

The purpose of this report is to propose an action plan including policy measures to be adopted in the context of Child Safety Online. This report provides an overview of the problem, describes the current situation in Mauritius and the International context, and also provides for recommendations to be implemented as part of the Action Plan.

2. Approach

A Child Safety Online Committee was set up under the National Information Security Committee, to look into the development of the Child Safety Online Action Plan, with the following main terms of reference:-

- Assess the current situation for Child Safety Online in Mauritius;
- Recommend measures to improve Child Safety Online in Mauritius
- Develop and recommend a Child Safety Action Plan for Mauritius.

The composition of the Child Safety Online Committee is given in Appendix A.

A subcommittee on Child Safety Online was also established to draft the Child Safety Online Action Plan.

An assessment on Child Safety Online was carried out and this catered for the following areas:

- Current state assessment in Mauritius

- Legislation in Mauritius
- International level

The current state assessment in Mauritius was done by conducting a stocktaking exercise intended to provide an inventory of activities undertaken by Ministries and the different stakeholders.

3. Threats to children online

3.1. Exposure to Inappropriate Material

Due to the free availability of information on the Internet, a major risk that a child² may be exposed to is inappropriate material, sexual, hateful, or violent in nature, or encourages activities that are dangerous or illegal.

Child pornography³ is the evidence of the sexual abuse of a child and the production of child pornography always presupposes a crime committed towards the child. Child pornography objectifies and degrades children and may be used by abusers as a means to manipulate a child by claiming that what is happening in the picture is something that many children take part in and enjoy being part of. The exposure to images of other children in sexually abusive situations normalises this behaviour which is then used to facilitate the abuse and make it difficult for children to come forward to disclose their own abuse.

Pornography which is legally restricted to adults in the physical world can easily be accessed by children on the Internet. Also, children can easily access obscene materials and be exposed to this content intentionally or unintentionally. They can also receive unsolicited links to adult sites. Child pornography is different from other pornography, and consequently receives more stringent legal treatment. It is distinguished as an issue of child abuse - in its production and/or in the way it is used by paedophiles to desensitise their victims, pornography content exchanged via email, MMS and peer to peer file

² The 'Optional Protocol on the Sale of Children, Child prostitution and Child pornography' defines child as "any person up to the age of 18 years".

³ The term 'Child pornography' is defined, by the Optional Protocol on the Sale of Children, Child prostitution and Child pornography, as any representation of a child, engaged in real or simulated explicit sexual activities or, of the sexual parts of a child for primarily sexual purposes.

sharing. The growth of the Internet has provided child pornographers with a distribution vehicle which is perceived to be relatively anonymous.

3.2. Child Grooming

Child grooming is a process that commences with sexual predators choosing a target area that is likely to attract children. In the physical world, this could be venues visited by children such as schools, shopping malls or playgrounds. A process of grooming then commences where offenders take a particular interest in the child and make them feel special with the intention of forming a bond. Intimate personal details including the predator's sex life are shared with the child 'confidante' with the intention of making it easier to procure the recipient to engage in or submit to sexual activity with the offender or another person. Today, this process is being greatly facilitated by the use of internet, namely through communication technologies such as instant messaging, email, voice over internet protocol and mobile phones. ⁴.

Child Grooming can lead to:

- 1) Providing personal, financial information on family/parents;
- 2) Undertaking harmful activities e.g. cyber bullying, brainwashing to join sects;
- 3) Paedophiles to ultimately meet up and kidnap child.

3.3. Gambling and Other unsuitable behaviour

Online gambling sites are flooding the Internet. It is unsuitable for children to view such sites. Most online gambling sites require a person to use a credit card. This poses a potential threat to the financial well being of the family as well.

3.4. Physical Harm

Paedophiles seeking children as targets have used emails and chat rooms to gain a child's confidence and then arrange a face-to-face meeting. Once the child's confidence has been won and a meeting arranged, the child is in great danger of physical harm and permanent psychological scarring. There are recurring press reports of paedophiles using chat rooms

⁴ Source: Australian Institute of Criminology, available at <http://www.aic.gov.au/publications/htcb/htcb017.html>

to lure children into physical meetings. According to a recent national newspaper report, chat rooms are the most popular activity for children online, yet most chat rooms are unsupervised. Many are "private," accessible only by invitation and special passwords (which may be provided to children by email or "instant-type" messages to the screen of a targeted child).

3.5. Harassment

A child might encounter emails or chat/bulletin board messages that are harassing, demeaning, or belligerent. Information sent to your child could also have a psychological impact on your child.

3.6. Disclosure of Personal Information

There is also the risk that a child could do something that has negative legal or financial consequences such as giving out a parent's credit card number or bank account number. Legal issues aside, children should be taught good "netiquette" which means to avoid being rude or inconsiderate while online.

3.7. Intrusion of Privacy

A child's privacy is vital but is most vulnerable on the Internet. No one has a right to a child's personal information without due authorisation from their guardians. Such information includes name, age, name of the school and details about the child's family. Disclosing such information on the Internet may expose the child to substantial threats.

3.8. Wasting a Child's Potential.

By being online for unlimited number of hours for unproductive activities, a child ends up wasting a lot of valuable constructive time that may have been utilised for creative purposes. A child's development may suffer a great deal because of this.

4. Current State Assessment in Mauritius

According to latest ICT indicators for Mauritius dated 2007⁵, a rapidly increasing number of families and children are using the Internet; the number of Internet subscribers at the end of 2007 was 166,059 and the number of mobile cellular subscribers was 928,622 in 2007. The use of Internet being more and more spread throughout Mauritius also implies that there are a number of risks for the users, especially for children.

The following sections give a brief resume of an audit exercise on what is being done at the level of Mauritius in terms of Child Safety Online.

4.1. Ministry of Women's Rights, Child Development and Family Welfare

A Task Force was set up at the level of the Ministry of Women's Rights, Child Development and Family Welfare in the year 2003, to review all laws relating to children and legislation concerning the protection of children. The existing mechanisms and procedures relating to laws on children were reviewed and recommendations made in a paper prepared by Ms Pramila Patten, Bar-at-Law, CEDAW Expert, Chairperson of Task force. This document makes mention of child pornography on the Internet and gives a status on Child Pornography, the challenges, general responses to the law and its implementation and recommendations as well. This Task force recommends amongst others, the introduction of a provision in the law which will meet all the challenges posed by technology and combat child pornography, by e.g., prohibiting the production, distribution, receipt and possession of child pornography.

In 2003, the NGO ChildNet International submitted a report to the Ministry of Women's Rights, Child Development and Family Welfare, with evaluation and recommendations for child protection on the Internet in Mauritius. This report gives an overview of the current situation in Mauritius with regard to child online safety and also over 40 recommendations for actions that can be taken to adopt a child protection policy on the Internet in Mauritius.

⁵ Source: Central Statistical Office ICT Statistics 2007; available at <http://www.gov.mu/portal/goc/cso/ei648/toc.htm>

4.1.1. Awareness Sessions

The Ministry of Women Rights, Child Development, Family Welfare and Consumer Protection has an established network where awareness sessions are given to schools, women centres, community centres and the public in general. The Ministry (through the Women Unit) also provides for a range of services ranging from training, informative, educational and communication on issues such as economic empowerment, environment, legal education, to home economics, weight management, leisure, sports and stress management.

4.2. The Child Development Unit

The Child Development Unit⁶ is the executive arm of the Ministry of Women's Rights, Child Development and Family Welfare to intervene in cases of child abuse and neglect. The Unit is responsible for the enforcement of legislation pertaining to children and for the implementation of policies and programmes pertaining to the survival, development, protection and participation of children. This Unit works closely with other agencies such as the Police Department and provides a 24-hour service through hotlines. Free legal assistance and psychological counselling to children at risk and in distress, as well as to their parents and families are also available.

4.3. Office of the Ombudsperson for Children

The office of the Ombudsperson for children has been set up following the enactment of the Ombudsperson for Children Act No. 41 of 2003. The Ombudsperson for Children

- (a) ensures that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations for individuals;
- (b) promotes the rights and best interests of children; and
- (c) promotes compliance with the Convention on the Rights of the Child⁷.

⁶ Source: Child Development Unit : http://www.gov.mu/portal/site/women-site/menuitem.e164bad248cb0d54a3a5b31000b521ca/child_files/child_files/filelist.xml

⁷ Source: Office of the Ombudsperson for Children: <http://www.gov.mu/portal/site/women-site/menuitem.f3231f51aa792d54a3a5b31000b521ca/>

4.3.1. Sensitisation Campaigns

The Office of the Ombudsperson for Children has organised many sensitisation programmes on the rights and responsibilities of the child, the responsibilities of adults, the need to protect the child and the need to respect his privacy. Children are also being trained to struggle against “violence against children” and to promote their own rights. Two networks of adolescents work closely with the Ombudsperson for Children’s Office using child friendly methods for their awareness campaigns e.g. carnivals, paintings etc.

The Ombudsperson for Children’s Office puts emphasis on the need to protect the child from information and material injurious to his or her well-being as per article 17(e) of the Convention on the Rights of the Child (See Appendix B).

4.3.2. Reporting

Cases related to child safety are referred to the Police for investigation and to the Ministry of Women’s Rights, Child Development and Family Welfare for the provision of psychological services. The Office of the Ombudsperson for Children considers all investigations as confidential. In Annual or other Reports, there is respect of anonymity but cases are the basis of recommendations to the Ministry or other public bodies.

4.4. Mauritius Police Force

The following units deal with child protection online:

- 1) Police Family Protection Unit (PFPU)
- 2) The Police IT Unit
- 3) The Police Crime Prevention Unit
- 4) Brigade Des Mineurs

4.4.1. Police Family Protection Unit (PFPU)

The Police Family Protection Unit (PFPU) was set up in 1994 with the special mandate to provide specific services to a category of people who are termed vulnerable within society. This category of people includes women, children and the elderly. They are

considered as vulnerable because they are less able to protect themselves when faced with crimes and criminal justice system as compared to other members of the society. Given their position of vulnerability, their rights are more likely to be violated than others. Hence, a special policing approach towards them is required.

The PFPU is responsible to receive, interview victims with extreme sensitivity, arrange for investigation and coordinate the investigation of reported or suspected cases of:-

- domestic violence
- child abuse including commercial sexual exploitation and child pornography on Internet
- elderly abuse

Principles of PFPU

In line with Child Protection Act and the convention on the Rights of the Child (CRC) the Police Family Protection Unit adopts a child friendly approach and all actions are geared towards the best interest of the child. So as to provide a professional and quality service to our customers the following principles are applied:-

- Welcoming phase
- Active Listening
- Individualism
- Non-Judgmental Attitude
- Freedom of Decision
- Confidentiality

Role of PFPU as regard to child safety online

PFPU personnel assist other units of the force as well as other stakeholders in cases of Child Abuse including Commercial Sexual Exploitation of children (CSEC) and pornography on the internet.

Furthermore in line with Proactive Policing, personnel of PFPU is carrying out an aggressive awareness campaign throughout the island by delivering talks and lectures in

Educational institutes, women centres, Youth Clubs and other socio-cultural institutions focussing on the following:-

- Commercial sexual exploitation of children.
- Misuse of computers and Child pornography on Internet
- Misuse of cellular phones.
- Safety measures.

4.4.2. The Police IT Unit

The Police IT Unit was created in the year 2000, and is responsible for all computerisation activities of the Force and to head a team of specialised officers to tackle ICT-related crimes which no doubt is becoming a new field in criminology.

4.4.3. The Police Crime Prevention Unit

The Police Crime Prevention Unit was launched in September 1989 and is now based at corner Sir Virgil Naz and Moka Road, Rose Hill. Its mission statement is geared towards a national sensitization campaign on crime prevention issues and promoting a sense of awareness among the population round the island and within its territories.

The main objectives of the Unit are as hereunder:

1. To secure the community's support in the fight against crime.
2. To instil in the younger generation the core concepts of good citizenship and law abiding principles.
3. To enhance public and Police relationship.
4. To remove the fear of crime within the community.
5. To establish Neighbourhood Watch Schemes in crime prone areas.
6. To visit and reassure victims of crime.

The role of the Police Crime Prevention Unit as regard to child safety online is limited to awareness campaign.

4.4.4. Brigade pour la Protection des Mineurs, (BPM)

Mindful of the vulnerability of children in our society and being fully alive to the problem of child abuse which constitutes one of the worst forms of human rights violations, a new unit styled “Brigade pour la Protection des Mineurs”, (BPM) focusing on the protection of the child and acting as a watchdog against child abuse was set up on 24th May 2004 to deal more efficiently and effectively with the problem of child abuse and juvenile delinquency. It aims to provide a meaningful and sound customer care service thus optimising the protection of children and ensure all actions geared towards the best interest of the child.

Principles of Brigade Des Mineurs

- Protect the rights of all children, shield them from any forms of abuse and always work in their best interest;
- Adopt a very professional approach in order to provide a meaningful and sound customer care service;
- Optimizing child protection services and adopting a child friendly approach ;
- Confidentiality and neutrality ;
- Value human rights, respect dignity of each individual and render our service with courtesy and civility ;
- Active listening and non-judgmental attitude.

Role of BPM as regard to child safety online

As regard child safety online the BDM is carrying out an aggressive sensitisation campaign through talks and lectures in educational institutions and with parents in the community. The media is also used for same. The following topics are addressed:

- Misuse of computer, mobile phones and other communication gadgets;
- Use of Internet services - control system and safety measures by parents;
- Commercial sexual exploitation of children including child pornography on Internet.

Furthermore, Criminal cases relating to misuse of computer is reported and investigation is carried out at police station level assisted by specialized units such as IT unit and Cyber Crime Unit.

4.4.5.Sensitisation Campaigns

The following Units carry out sensitisation campaign on security aspect to targeted public (e.g. schools):

- Police Family Protection Unit
- Brigade Pour la Protection Des Mineurs
- Crime Prevention Unit

The PFPU carries out prevention campaigns through talks and lectures in schools and Radio and TV Programmes as mentioned above. Criminal cases relating to misuse of computer is reported and investigation is carried out at police station level.

Sensitisation campaigns by the Police Force cover a wide range of topics focus on security of person and property. They also cover child safety online. For the last two years the Police Family Protection Unit and Brigade Des Mineurs delivered talks and lectures to students and parents as follows:

Unit	Number of students and parents targeted	
	Year 2006	Year 2007
Police Family Protection Unit	4,295	5,221
Brigade Des Mineurs	3,575	10,450

Table 1: Talks and lectures delivered to students and parents by the police⁸

The Crime Prevention Unit carries out a permanent campaign to sensitise the population on Crime Prevention issues. To achieve its objectives the campaign is oriented towards various groups of society. The main target is the school population, because youngsters due to their naivety are very often affected by negative flux of the society. If not taken care of, they may get trapped in vicious circles.

The school education program covers a host of subjects including child safety online and on the provisions of relevant law (ICTA and Computer Misuse). Table 2 shows the

⁸ Source: Mauritius Police Force

different categories of schools where this educational program has been carried out (as from year 2005).

Category	Year 2005		Year 2006		Year 2007	
	School	Pupils	School	Pupils	School	Pupils
Number of Schools/pupils targeted						
Primary	85	16,650	120	23,337	115	26,323
Secondary	77	23,338	69	30,869	66	30,559
Tertiary			1	57		
Total		39,988		54,263		56,882

Table 2: Education institutions where educational program has been carried out⁹

4.4.6. Reporting Measures

Criminal cases relating to misuse of computer is reported and investigated into at the Police station level assisted by specialised units such as IT Unit and Cyber Crime Unit and the BDM.

Complaints pertaining to child safety online will be reported at Police Station. The public call to the nearest Police Station where the declaration and statements are recorded and the IT Unit is contacted for assistance for (1) preservation of digital evidence and (2) for recording of statement with technicalities, e.g. emails, logs and so on. The IT technicians together with enquiring officers then proceed on scene of crime for investigation and necessary examination of exhibits and investigation are carried out at the Police IT Unit.

4.4.7. International Co-operation

Police forces are increasingly aware of online exploitation of children. An example of international cooperation in this area is the Virtual Global Taskforce that was created in 2003 as an alliance of Interpol and law enforcement agencies in Australia, Canada, the

⁹ Source: Mauritius Police Force

United Kingdom, and the United States. The taskforce received the 2006 Award from the UK Internet Service Providers' Association, in recognition of its work in making cyberspace safer for children.

4.5. Ministry of Education, Culture and Human Resources

All Secondary Schools, except from private fee-paying secondary schools are connected to the Internet through the Government Online Centre (GOC) since the year 2006 and filtering is being done at the level of GOC. There is an Internet Usage guideline for state secondary schools which describes the acceptable usage of the ICT facilities for the schools. As regards those schools which are not connected to the GOC, no information is available whether these schools provide filtering for their students.

The University of Mauritius has an email filtering gateway which normally filters spam mails. Moreover, conditions can be set for filtering emails (e.g. based on sexual slang, sender address, sender domain, etc). Although the University monitors activities on the network, there is no filter to block access to pornographic websites.

The University of Technology, Mauritius does filter access to Internet but there, the emphasis is laid more on optimisation on bandwidth rather than on content.

4.5.1. Sensitisation Campaigns

The Ministry of Education, Culture and Human Resources distributed two types of posters 3 years ago, aimed at sensitising students on the issue. The posters were targeted to:

1. Librarian/IT Teachers
2. Students

4.6. Ministry of Information and Communication Technology

Since August 2004, the IT Security Unit of the Ministry of Information and Communication Technology provides technical assistance for the implementation of ISO/IEC 27001 (previously 17799) security standards in Government. This Unit is also responsible for raising IT security awareness among public officers, implementing

Government IT security policies, carrying out IT security audits and providing guidance to Ministries/Departments on security matters. The IT Security Unit is also involved in the elaboration of the first draft of the Child Online Protection Bill¹⁰ in 2007.

4.7. National Computer Board

The National Computer Board (NCB) was set up in 1988 by the National Computer Board Act (Act No.43) to promote the development of ICT in Mauritius. It is a para-statal body administered by a Board of Directors and operates under the aegis of the Ministry of Information and Communication Technology.

4.7.1. ICT Awareness

The NCB launched the Cyber Caravan Project in November 2000. This project aims at making IT facilities available to the community. The NCB presently operates two Cyber Caravans, which are equipped with 9 and 10 PCs respectively and broadband Internet connection. Mauritius Qualification Authority (MQA) registered IT Support Officers provide training on board according to the needs of people, regardless of age, education background or profession.

The IT Coaches often conduct awareness programme on "Online Safety" for the general population to promote computer security and a better understanding of IT security risks and violations. Two types of training programmes are offered in the Cyber Caravan: ICT Awareness programmes and IC3 Course.

The ICT Awareness Programme is an initiation session of 2 hrs consisting of the following modules:

- The basics of a computer
- Word Processing
- Introduction to Internet and Internet Services

The IC3 (Internet and Computing Core Certification) course consists of a module "Living Online" where participants recognise the benefits and potential dangers in the online

¹⁰ Source: Ministry of Information and Communication Technology website : <http://telecomit.gov.mu>

world. In addition ICT Awareness Events are also organised in the context of “World Security Day”.

As at 18th March 2008, about 66,670 persons have followed ICT Literacy and ICT Awareness Courses, and as at 29th February 2008, some 46,500 persons had already been trained in IC3.

The NCB was also involved in the drafting of the amendments to the Child Protection Act in 2004 and the first draft of the Child Online Protection Bill in 2007.

4.8. Internet Child Safety Foundation

The Internet Child Safety Foundation (ICSF) was set up in 2001 with the aim of broadening public awareness and education regarding proliferation of unsuitable materials on the Internet that are easily accessible to young children and other unwary users. The Foundation also aims at supporting parental education, encouraging positive content for children and encouraging safe surfing. ICSF seeks to show parents how to take control of the Internet so that they feel confident about their children going online and be sure that Internet use is a positive experience.

4.8.1. Sensitisation campaigns

The ICSF has been doing sensitisation campaigns since 2001 at every annual Infotech, distributing brochures and posters to parents and young persons on the proper use of Internet. The organisation also carries out workshops around the islands, targeting some 50 children and parents (having Internet) on a monthly basis through presentations. The ICSF consists of volunteers who are trained in child safety online. There are also parents who do communicate with the ICSF and ask for advice as and when required.

In addition, the ICSF has a Safe Surfing Campaign which aims at encouraging safer use of the Internet to every individual at the level of the society. This campaign highlights the dangers associated with Internet and the need to protect children from hazards online. The campaign has been organised in several regions of the country and ICSF has already

reached some five thousand people since its beginning. The campaign is supported by pamphlets, brochures, posters, postcards, and stickers¹¹.

The ICSF launched a report on “Impact of Internet on Children” in September 2007. According to this survey, some 15 percent of respondents reported that they did share vital information about themselves on the Internet and some 57 percent of the respondents acknowledged that they had some bad experience on the Internet.

The main findings of this study are given in Appendix C.

4.8.2. International Co-operation

The ICSF has a working agreement with other organisations operating to enhance Internet safety since the year 2001. One of the partners of ICSF, ChildNet International¹², has provided assistance to ICSF by training volunteers of ICSF on ‘Safe Surfing on Internet’ and exchanging information on child Internet safety to ICSF.

ICSF has been working with ChildNet International since 2001. ChildNet International has been partnering with ICSF on the following during the past years:

- Training of ICSF ‘Cyberguides’
- Production of educational materials
- Research work on ‘Impact of Internet on Children’
- Sharing of resources.

ChildNet International has also been involved in symposiums and conducting talks on issues related to ‘child safety online’ in Mauritius. In addition, ChildNet International has provided assistance on the research study carried out by ICSF on “Impact of Internet on children”.

¹¹ Source: ICSF website : <http://www.icsfonline.org/>

¹² ChildNet International is a UK based organization which deals with a various range of programs pertaining to child safety on the Internet.

4.9. ICT Authority

The ICTA is the national regulator for the ICT sector and Postal Services in Mauritius. One of the statutory functions of the ICTA is to take steps to regulate or curtail the harmful and illegal content on the Internet and other information and communication services. Ancillary to this function, the ICTA is also empowered to entertain complaints from consumers in relation to any information and communication service in Mauritius. Where necessary, the ICTA may refer a complaint to the appropriate authority, for example to the Police. As one of its functions (section 24 of the ICT Act), it is required to issue Licences¹³ to Internet Service Providers (ISPs).

Hence, in accordance with the provisions under Section 18(1)(m) of the ICT Act, the Authority requires of ISPs, who are the licensed by the Authority, to give application to the said provisions by providing for the following clauses in their licences as shown below:-

Section 14: Cyber Laws

Section 14.1 - The Licensee shall take all the necessary measures to discourage and prevent the flow of content which is grossly offensive or of an indecent, obscene, or menacing character or infringing intellectual property rights and international and domestic cyber laws.

Section 14.2 - The Licensee shall be liable and assume the sole responsibility for any claim or damage arising out of default of the licensee or any breach of section 14.1 above.

4.10. Internet Service Providers

ISPs provide access to the Internet, where users gain access to newsgroups, email, and chat. Thus the role of ISPs in content regulation of the Internet is crucial. Furthermore, the co-operation of ISPs in adopting codes of conduct that protect minors and in responding to law enforcement authorities in the investigation of cyber related crimes is deemed to be a determining factor in the process.

¹³ Source: ICTA website : <http://www.icta.mu>

There are currently 8 ISPs in Mauritius. In line with the provision of the ICT Act elaborated in section 4.9 above, it has been found that not all of them presently offer filtering solutions to their clients, but most of them have plan to provide it in the future¹⁴.

4.11. Existing legislations in Mauritius

The following legislations address the issue of Child Safety Online in Mauritius:

1. Child Protection Act 1994
2. Information and Communications Technologies Act 2001

4.11.1. The Child Protection Act

It was in 1994 with the enactment of the Child Protection Act that child pornography was recognised as a violation of children's rights and an abuse with serious physical and emotional effects. Under section 14(1) (a) which deals with sexual offences, any person who causes, incites or allows any child to be sexually abused by him or by another person commits an offence. Under section 14(2), a child is deemed to be sexually abused where he has taken part whether as a willing or unwilling participant or observer in any act which is sexual in nature for the purposes of:

1. another's person's gratification;
2. any activity of pornographic, obscene or indecent nature;
3. any other kind of exploitation by any person.

Section 13 of the Child Protection Act which deals with ill-treatment, can also be invoked to some extent, to address the problem of child pornography. Section 13(1) of the Child Protection Act as amended by the Protection of the Child (Miscellaneous Provisions) Act 1998, provides that any person who ill-treats a child or otherwise exposes the child to harm commits an offence. Section 13(2) further stipulates that for the purposes of this section, any person who in advertisement exploits a child by using him in such a way as is likely to cause him or in any child watching his reactions which are contrary to morality or detrimental to psychological development is deemed to expose a child to harm.

¹⁴ Source: Nomad, Emtel and Mahanagar Telephone (Mauritius) Ltd

The taking, publication or distribution of indecent photographs (including pseudo-photographs) is criminalised under section 15 of the Child Protection Act. The mere possession of such photographs is not unlawful. This is a shortcoming in the Child Protection Act.

4.11.2. Information and Communications Technologies Act 2001

Section 46H of the ICT Act makes it an offence for the transmission or reception of a message which is grossly offensive, indecent or obscene character. Any person who is convicted for having transmitted or received such type of message is liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.

4.11.3. Comparison of legislation

Table 3 shows how Mauritius compares to other countries in terms of legislation for protection of children online.

Country	Legislation specific to child pornography	Child Pornography Defined	Computer Facilitated Offences	Simple Possession	ISP Reporting
Mauritius	√	X	√	X	X
Canada	√	√	√	√	X
France	√	√	√	√	√
Germany	√	√	√	√	X
United Kingdom	√	√	√	√	X
United States	√	√	√	√	√
India	X	X	X	X	X
Singapore	X	X	X	X	X
South Africa	√	√	√	√	√

Table 3: Comparison of countries and legislation specific to child pornography¹⁵

¹⁵ Source: International Centre for Missing and Exploited Children survey of 2006

4.12. Amendments / New legislations

Two draft bills were prepared to further address the issue of child safety online in Mauritius:

1. Draft Child Protection (Amendment) Bill
2. Draft Child Online Protection Bill

4.12.1. Draft Child Protection (Amendment) Bill

A draft Child Protection (Amendment) Bill was prepared by the Ministry of Women's Rights, Child Development and Family Welfare in 2004. It covered the following:

- Luring a child for immoral purposes
- Better provisions for Indecent photographs of children
- Cases where acts are done in a foreign state and effects are felt in Mauritius
- Allowing the collection of evidence in real time in the investigation of 'Internet grooming'

4.12.2. Draft Child Online Protection Bill

However later in 2007, a fully revamped draft Child Online Protection Bill was prepared by the Ministry of Women's Rights, Child Development and Family Welfare. This bill covered the following:

- Exposure to Harmful/Prohibited Materials
- Child Access to Harmful/Prohibited Material in Electronic Format
- Child Access to Harmful/Prohibited Materials through a Public Internet Access Point
- Obligation of Internet Service Providers
- Collection and use of Personal Data from and about Children
- Obligations of operators of Online Services
- Termination of Service
- Hosting, Distribution and Transmission of Child Pornography through a Service Provider

- Obligation of Service Providers
- Grooming a Child for immoral purposes
- Obligations of operator of online services

4.12.3. Views on the new Draft Child Online Protection Bill

The Data Protection Commissioner provided the committee with observations on the bill as follows:

- Section 2 of the Bill should include a definition of:-
“Disclosure- means, with respect to personal data-
 - (a) the release of personal data collected from and about children in identifiable form by an operator for any purpose, except where such information is provided to a person other than the operator who provides support for the internal operations of the online service and does not disclose or use that data for any other purpose; and
 - (b) making personal data collected from and about children by an online service directed to children or with actual knowledge that such information was collected from a child, publicly available in identifiable form, by any means including public posting, the Internet, a home page of a website, a pen pal service, an electronic mail service, a message board or a chat room.”
- “parent- means a person who has parental authority over the child or has been appointed as his or her guardian by the Court.”
- The definition of “verifiable parental consent” should be amended to read as follows:-
“means any reasonable effort to ensure that a parent of a child receives notice of the operator’s personal data collection, use and disclosure, as applicable, of personal data and the subsequent use of that data before it is collected from that child”
- B. Section 6 of the Bill to be amended to delete section 2(c) and amend 2(f) as follows:-

“upon request of a parent whose child has provided personal data to that online service, upon proper identification of that parent, provide to such parent the opportunity at any time to refuse to permit the operator’s further use or maintenance in retrievable form, or future online collection, of personal data from that child.”

- C. Section 7 to read as follows:-
Where a parent has refused under section 4(2) (f) to permit the operator's further use or maintenance in retrievable form, or future online collection, of personal data from that child, the operator of online service shall terminate the service provided to that child immediately.
- D. As regards section 8, regulations would have to be drafted in due course under the Child Online Protection Bill by the Ministry of Women’s Rights to determine the circumstances into which the Data Protection Commissioner would intervene without the need for verifiable parental consent.
- E. Section 10(1) is confusing and poorly drafted.
- F. Section 18 would have to be relooked into.
- G. Section 19, last line should read “online services,…”
- H. Section 26 on Consequential Amendments should also include the amendment of section 2 of the Data Protection Act to include the definitions of “operator of online service”, “verifiable parental consent” as they are defined in the Child Online Protection Act.

4.12.4. Comparison with Model Legislation with new Draft Child Online Protection Bill

A comparison of the proposed Draft Child Online Protection Bill with the Model Legislation (available in Appendix D) developed by the International Centre for Missing and Exploited Children, in collaboration with Interpol and the International Resource Centre (IRC) has been done. The exercise, available in table 4, has been done to list out the measures that are not found in the Draft Child Online Protection Bill.

<p align="center">Model Legislation developed by the International Centre for Missing and Exploited Children, in collaboration with Interpol and the International Resource Centre (IRC)</p>	<p align="center">Comments</p>
<i>Definitions</i>	
Define “child,” for the purposes of child pornography, as “anyone under the age of 18,” regardless of the age of sexual consent.	Adequately covered in the new Bill
Define “child pornography” and include computer and Internet specific terminology.	Covered in the new Bill, however, definition does not make mention of all the forms child pornography can take including, but not limited to, film, DVD, CD-ROM, diskette, CD, and other electronic media; of all the ways child pornography can be distributed, including via Internet; and of all the ways child pornography can be possessed, including by simply viewing an image on the Internet or by downloading an image to one’s computer
<i>Offences</i>	
Criminalise simple possession of child pornography, regardless of the intent to distribute.	Adequately covered in the new Bill
Criminalise the downloading or viewing of child pornography images on the Internet and using the Internet to distribute child pornography.	Adequately covered in the new Bill
Penalise those who make known to others where to find child pornography.	Not adequately covered in the new Bill
Criminalise the actions of parents or legal guardians who acquiesce to their child’s participation in child pornography.	Not adequately covered in the new Bill
Grooming offences must be criminalised.	Adequately covered in the new Bill
<i>Mandatory Reporting</i>	
Mandate healthcare and social services professionals, teachers, law enforcement officers, photo developers, IT professionals, ISPs, credit card companies, and banks to report suspected child pornography to law enforcement or another agency.	Not adequately covered in the new Bill
<i>Sanctions</i>	
Address the criminal liability of children involved in pornography.	Not adequately covered in the new Bill
Enhance penalties for repeat offenders, organised crime participants, and other factors that may be considered upon sentencing.	Not adequately covered in the new Bill
Assets must be forfeited.	Adequately covered in the new Bill

Table 4 - Comparison of Draft Child Online Protection Bill with Model Legislation

4.12.5. Disclosure of personal information

No guideline is in place locally to put parents in control over what information is collected from their young children online during chat sessions, websites or online services since the Data Protection Act has not yet been proclaimed. It should be noted that some online services do collect, use, or disclose personal information about children. The Child Online Privacy Protection Act (COPPA)¹⁶ in the USA, protect the privacy of children under 13 by making it illegal for anyone to collect their personal information online, at least without asking parental permission to do so.

5. Child Safety Online at the International Level

Mauritius is not alone in its concern for children's online safety and no country is immune from child sexual exploitation online, and it will take a concerted effort from governments, law enforcement, and civil society to ensure that the world's children are protected. Because the Internet is a global community, efforts to guide and protect children online require the same international cooperation and involvement as has been shown to deal with issues such as encryption, copyright and hacking.

5.1. United Nations

In 1994, the committee on the Rights of the Child noted the adoption by the Commission on Human Rights of a resolution on the need to adopt the effective international measures for the prevention and eradication of the sale of children, child prostitution and child pornography (resolution 1994/90, 9 March 1994), and the decision of the Commission to establish an open-ended working group to prepare guidelines for a possible draft optional protocol to the convention on the sale of children, child prostitution and child pornography, as well as basic measures needed for their prevention and eradication. During its sixth session (April 1994) the Committee adopted a formal statement on “Cooperation with United Nations bodies – Sale of children prostitution and child pornography”, in which it stressed the important framework established by the convention to deal with such situations, and “that the child affected by situations of sale, prostitutions and pornography should be considered mainly as a victim and that all

¹⁶ Source: COPPA Act - <http://www.coppa.org/coppa.htm>

measures adopted should ensure full respect for his or her human dignity, as well as special protection and support within the family and society". (Report on the sixth session, April 1994, CRC/C/29, p 4)

In addition, the UN Optional Protocol on the Rights of the Child on the sale of children, child prostitution and child pornography which came into force on 18th January 2002 urges States to implement measures in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography.

5.2. World Summit on Information Society

The World Summit on the Information Society (WSIS) includes discussion of how best to protect children from online predators, while also encouraging the positive use by young people of ICT. In the Geneva Declaration of Principles and Plan of Action, agreed by world leaders in December 2003, "all actors in the information society" are urged to take action and preventive measures against the use of ICT for any form of child abuse. This principle was echoed in the Tunis Commitment and the Tunis Agenda that resulted from the second phase of WSIS in November 2005.

5.3. European Union Programmes for Internet Safety

The European Union has an important role to play in trans-national child protection issues at the European level. The European Union is continuing to work with governments, industry and child advocacy groups to seek ways to protect children.

The European Union has set certain standards across Europe, clarifying many legal issues. The Internet-related issues, however, cannot be tackled by legal measures alone, and are generally greater than what parents do realise. With broadband access growing – both via PCs and ‘third generation’ (3G) mobile phones – and as the Internet becomes an increasingly important part of children’s lives, these figures are not likely to become less disturbing without concerted action.

The following initiatives are currently under implementation at the level of the European Union:-

- (i) The Safer Internet Action Plan (SIAP) promotes Internet safety by supporting measures to combat illegal, harmful and racist online content. The Action Plan consists of a series of work programmes that fund projects, including:
- (a) Promoting the creation of hotline networks for reporting harmful and illegal content, and in particular child pornography;
 - (b) Encouraging self-regulation and codes of conduct for Internet sites
 - (c) Developing filtering and rating systems to maximise protection of minors and children; and
 - (d) Raising awareness of harmful content among Internet users, focusing on parents, teachers and children. SIAP projects have proven quite successful; for example, in October 2003, one project uncovered a global child pornography ring that authorities promptly dismantled.
- (ii) The Safer Internet Plus Programme is a four-year €50-million initiative to make the Internet safer for all users, and in particular children. The Programme is an extension of the SIAP initiative. For example, it addresses new issues such as “spam” and new forms of content distribution, including chat-rooms, instant messaging, online games and peer-to-peer communications. The Programme also funds safety campaigns targeting illegal content (e.g., online child pornography), and promoting the exchange of anti-spam “best practices”.
- (iii) The European Union is trying to make the Internet safer for users with a specific day devoted to raising online awareness. 7th February is Safer Internet Day, promoting safer use of the Internet and drawing users' attention to the skills required to use computers and the Internet as safely as possible. The event is also recognised by the International Telecommunications Union (ITU) and it has also been adopted in other countries outside Europe such as the United States, Australia and Canada. Some 30 countries around the world have organised events on this occasion. The main objective of the event is to raise awareness about illegal activities, but also to draw users' attention to ways that they may inadvertently break the law, or to ethical and safety issues such as the use of copyrighted material without permission, or posting personal information online.
- (iv) The Safer Internet Forum is a European Commission project that provides a platform for national officials and private sector representatives to discuss online safety and

security issues. Recent meetings have focused on the effectiveness of codes of conduct and filtering and rating systems to protect children online.

- (v) The EU strategy to combat child pornography also consists of legal instruments and practical measures against computer crime and child pornography. These include the Council Framework Decision of December 2003 on approximation of laws and sanctions in the field of sexual exploitation of children, with particular reference to child pornography on the Internet, the Council Recommendation of September 1998 on the protection of minors and human dignity, and the Council Decision of May 2000 to combat child pornography on the Internet.

5.4.Code of conducts for ISPs

The following section gives a brief description of Codes of conducts which exist in Singapore and Australia.

Singapore

The Singapore Internet Code of Practice (available in Appendix E) introduced in 1996 defines prohibited material as “material that is objectionable on the grounds of public interest, public morality, public order, public security, national harmony, or is otherwise prohibited by applicable Singapore laws.” The Singapore Broadcasting Authority (SBA) was set as the regulatory body for the Internet in 1996. It has repeatedly emphasized that it does not regulate or monitor personal Internet communications such as IRC or email.

The regulator has in the past concentrated on ordering ISPs to filter mainly high-volume pornographic websites and newsgroups. The protection of children from unsuitable content on the Internet is the SBA’s main argument for its monitoring activity.

In regulating the Internet, the MDA adopts a balanced and light-touch approach to ensure that minimum standards are set for the responsible use of the Internet while giving maximum flexibility to industry players to operate. The MDA also encourages industry self-regulation and public education efforts to complement its light-touch regulatory approach.

Australia

The Internet Industry Association (IIA) Content Regulation Code of Practice (Version 10.4) was approved by the Australian Broadcasting Authority on 27 May 2005. While compliance with the Code is voluntary according to the Commonwealth Internet censorship legislation, the legislation also empowers the Australian Communications and Media Authority ("ACMA") (formerly the Australian Broadcasting Authority ("ABA")) to direct any ISP to comply with the Code on threat of fines of AUD\$27,500 per day. The ACMA is empowered to develop and mandate an "Industry Standard" if a registered Code of Practice is found to be deficient. The Code requires ISPs to take-down content from their web site on order from the ACMA. This system of censoring Internet users' speech is referred to by the government and IIA as "co-regulation".

IIA also provides two documents about the Codes:

- IIA's Guide for Internet Users
- IIA's Guide for ISPs

6. Analysis

After analysing information from the current state in Mauritius and trends at the International level, the following issues have been noted:

A) Awareness

Awareness on child safety online is being carried out in Mauritius by several bodies, but there is presently no concerted approach in conducting the awareness sessions.

According to the ICSF survey, it has been found that less than ten percent of parents monitored the websites visited by their children. Children may not understand these online risks, and parents may not be familiar enough with current technological and other solutions to these concerns. More people are getting ICT trained, but there should also be increased awareness and supervision by parents and public education must be designed to teach parents how to deal with inappropriate or illegal activity that may occur online.

Less well-informed or engaged parenting will mean that some children face higher degrees of risk.

B) Schools and Public Internet Access points

Although filtering is being done at the level of the GOC, there is need to provide for proper safety measures for schools and public Internet Access points. This will ensure that students and children accessing the Internet at Public Access Points are shielded from offensive materials. Those schools not connected to the GOC need to be given special attention since there is no indication whether they provide filtering for the students.

C) Internet Service Providers

Not all ISPs are providing filtering for the moment. There is a need for a range of measures such as rating and filtering software, and better signposting of potentially harmful material. On the other hand, as an international practice, ISPs need to regulate themselves and provide filtering as part of their package, without the need for legal obligation. ISPs should also have a duty to promote awareness, including end user awareness of the options available for filtering harmful content.

D) Legislation

The role of law enforcement agencies is of vital importance at the national level in the protection of children from online sexual exploitation. Present legislation needs to be reviewed to take into account the new possibilities created by the Internet for combating crimes against children.

E) Reporting

Although sufficient reporting mechanisms exist at the level of the Police and the Ministry of Women's Rights, Child Development and Family Welfare, this needs to be reviewed in light of the new legislation that will be introduced to protect children online. The public needs to be made aware of the reporting mechanisms.

F) International co-operation

Offensive material on a website may come from anywhere in the world. Thus efforts to guide and protect children online require international co-operation. ICSF has a working

agreement with ChildNet International and continues to partner with it. Given that ICSF is a member of the committee, an MOU with ChildNet International is not necessary.

Mauritius has only signed, but not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography. Signing the Optional Protocol does not create a binding legal obligation but does demonstrate the country's intent to examine the treaty domestically and consider ratifying it. On the other hand, ratification of the protocol is an act by which the country signifies an agreement to be legally bound by the terms of a particular treaty. To ratify a treaty, the country first signs it and then fulfils its own national legislative requirements.

G) Monitoring Framework

The Child Safety Action Plan being a dynamic process, a proper framework needs to be put in place to ensure that there is a proper follow-up on actions recommended.

7. Detailed Action Plan

1. Sensitisation Measures

No.	Action Item	Objectives	Owner	Partner	Frequency	Outcome	Time Frame
1.1	Internet safer day	It is an International event which provide awareness on promoting safe and responsible ICT use by children and young people	NCB	IT Security Unit will participate by providing materials, act as resource person if needed and finance publications/posters	Yearly	One day celebration of Internet safer day	8 February Every Year
1.2	Focus on child issues in existing IT Security awareness sessions for Ministries/Departments	To sensitise Public Officers on child safety issues	IT Security Unit	Ministry of Women's Rights, Child Development and Family Welfare, ICSF	Adhoc	Awareness on information security matters including child safety for public officers	Ongoing
1.3	Child Safety Online Programme on TV and radio	To sensitise the public in general on the child safety problem in Mauritius	NCB	Ministry of Women's Rights, Child Development and Family Welfare, Police Department, ICSF, Office of the Ombudsperson for Children, MBC, MCA, IT Security Unit	Monthly	Explain the nature of the potential risks faced by children online but also the benefits of technology	As from April 2009 (10-15 minute video footage to be aired on TV)
1.4	Logo drawing competition for children	To work out a brand image to be used for the sensitisation campaign.	Ministry of Education, Culture and Human Resources	UOM, UTM	One-off (Duration - 1 month)	A logo to be used for the whole sensitisation campaign	April 2009
1.5	Child Safety Online Awareness Sessions to schools, women centres, community centres and the public in general	To sensitise parents on issues of child safety online	Ministry of Women's Rights, Child Development and Family Welfare	IT Security Unit will give material and act as trainer for officers from the Women's Rights, Child Development, Family Welfare and Consumer Protection	Monthly	Disseminate information and best practices for Internet Users through the Ministry of Women network. Training of Trainers in Child Safety Online	Ongoing

Sensitisation Measures (Contd.)

No.	Action Item	Objectives	Owner	Partner	Frequency	Outcome	Time Frame
1.6	Setting up of Child Safety Online Website	To provide information on the topic, FAQ, to act as a reporting facility	ICSF	IT Security Unit, NCB, Ministry of Women's Rights, Child Development and Family Welfare	Regular updating	Provide information about Child Safety Online measures and guidelines, Child Safety Online legislation, facilities to report and latest developments	As from April 2009
1.7	Production of Child Safety Online (400,00) brochures, Stickers and posters	To sensitise the public in general on the child safety problem in Mauritius	NCB	Ministry of Women's Rights, Child Development and Family Welfare, Ministry of Education, Culture and Human Resources, UOM, UTM, IT Security Unit, NCB, ICSF, Ministry of Tourism, Leisure & External Communications	Ongoing Distribution	Educate parents and children about the problem and what measures they can implement in order not to fall victim.	As from April
1.8	Sensitisation during the 'Day of the African Child'		Ministry of Women's Rights, Child Development and Family Welfare		1 day	Sensitise public on how to be safe online with brochures, posters, stickers, talks on radio, TV	June Every Year
1.9	Increase end user awareness of the options available for filtering harmful content		IMC	MCCI	Ongoing	To enable parents select content appropriate for children in their care while allowing adults to decide what legal content they wish to access	As from April 2009
1.10	Increase end user awareness on the importance of the Equipment Numbers (EG.IMEI)	To sensitise the public on the importance of keeping the EG.IMEI of their mobile	ICTA	MCCI	Ongoing	Public are familiar with the IMEI and how this can be used in case of an issue related to child safety on their mobile phone.	As from April 2009

2. Safety Measures for Schools and Public Internet Access points

No.	Action Item	Objectives	Owner	Partner	Outcome	Time Frame
2.1	Schools should implement safety measures, IT security policies and filtering tools to govern the safe use of Internet and protect children from a range of Internet dangers.	Schools protect children from a range of Internet dangers as well as filtering unsuitable Web pages.	IT Security Unit	Ministry of Education, Culture and Human Resources, UOM, UTM	Schools have clear measures and policies regarding Internet access	As from May 2009
2.2	The subject of risks facing children online should also be included in the school curriculum at the secondary level.		Ministry of Education, Culture and Human Resources, UOM, UTM	Mauritius Institute of Education (MIE)		
2.3	Code of conducts to be developed for fee-paying schools not connected via the Government Online Centre, to ensure that proper safety measures are applied to these schools as well.		IT Security Unit	Ministry of Education, Culture and Human Resources, UOM, UTM		
2.4	Student and their parents should be made aware of the security policy in place at the school, e.g., parents could be invited to sign the security policy as is the case in other countries, as a token of their agreement to the terms and conditions of the policy.	To make students and parents aware of policies in schools regarding Internet Access.	Ministry of Education, Culture and Human Resources, UOM, UTM	IT Security Unit	Students and Parents are aware of the IT security policies related to Internet Access	
2.5	Encourage the drafting of regulations under the coming Child Safety Online Bill, so that Public Internet Access Points, Cyber Cafés and Chat Rooms can implement adequate measures and IT Security policies	Public Internet Access points, Cyber Cafés and Chat Rooms protect children from a range of Internet dangers as well as filtering unsuitable Web pages.	ICTA		Public Internet Access points, Cyber Cafés and Chat Rooms have clear measures and policies regarding Internet access	As from April 2009

3. Best Practices for ISPS

No.	Action Item	Objectives	Owner	Partner	Outcome	Time Frame
3.1	Encourage ISPs to provide filtering tools ¹⁷ as part of their packages and rating mechanisms.	To give filtering solutions to customers	IMC under the ICT Act	IT Security Unit	To enable parents select content appropriate for children in their care while allowing adults to decide what legal content they wish to access	As from May 2009
3.2	ISPs and IT suppliers to adopt self-regulatory codes of conduct that promote online safety	Such proactive efforts on the part of the industry would help to establish confidence in and encourage wider use of the Internet by ensuring a high level of credibility and quality for Internet services.	IMC under the ICT Act	IT Security Unit	Codes of conducts for the Industry and Internet Access Points	As from May 2009

¹⁷ Filters are software programs are installed on the home computer. Most of the parental control programs have predetermined "bad sites" which are blocked when the program is activated, and screen other sites based upon certain content and keyword preferences set by the parents.

4. Child Safety Online Legislation

No.	Action Item	Objectives	Owner	Partner	Outcome	Time Frame
4.1	Review of legal framework (including review of current reporting mechanism)	To make provisions prohibiting such activities as child pornography, grooming and child access to pornographic material and for the protection of privacy of personal data collected from and about children.	Ministry of Information and Communication Technology	Ministry of Women's Rights, Child Development and Family Welfare, NCB, State Law Office, Data Protection Commissioner's Office, ICTA and MCCI.	A Legislation which covers Child Safety Online	As from May 2009

5. Enforcement and Reporting Measures

No.	Action Item	Objective	Owner	Partner	Outcome	Time Frame
5.1	Sensitise public on reporting mechanisms	To improve people's ability to know how to act on concerns about children's safety.	Ministry of Women's Rights, Child Development and Family Welfare		Public is aware of reporting mechanism in case there is an issue related to child safety online.	As from July 2009
5.2	Creation of a Cyber Patrol	Virtual Police to patrol in cyber world.	Police department (IT Unit)	Ministry of Information and Communication Technology, Ministry of Women's Rights, Child Development and Family Welfare, ICT Authority and NCB.	The Mauritian Cyber Community is protected	As from September 2009

6. International Co-operation

No.	Action Item	Objective	Owner	Partner	Outcome	Time Frame
6.1	Enhancing collaboration with International Police network/Interpol	To enhance international cooperation and involvement on the issue of child safety online	Police Department	CERT-MU	Activities fostering international cooperation	As from May 2009
6.2	Ratification and implementation of the UN Optional Protocol		Ministry of Women's Rights, Child Development and Family Welfare, Office of the Ombudsperson for Children	State Law Office		As from May 2009

7. Monitoring of Action Plan

No.	Action Item	Objective	Owner	Partner	Outcome	Timeframe
7.1	Endorsement of the Action Plan	To endorse the action plan	Ministry of Information and Communication Technology	Ministry of Women's Rights, Child Development and Family Welfare	Endorsed action plan for implementation	
7.2	Setting Up of Central Co-ordinating Committee	To monitor implementation of actions and review of action plan	Ministry of Information and Communication Technology (to chair the Committee) and Ministry of Women's Rights, Child Development and Family Welfare (to provide full support)	All members	The project is efficiently and effectively implemented	As from April 2009

8. Recommendations

At present, Mauritius has been so far reactive as concern handling of cases related to child safety online. The authorities wait for a case and start necessary investigations. It is recommended that we should rather adopt a proactive approach to prevent such cases to happen.

It is clear that no single solution exists, but that a combination of mechanisms, activities and strategies must be utilised. The following measures listed below are proposed to tackle the issue of child safety online in Mauritius.

8.1. PUBLIC AWARENESS CAMPAIGN

Parents need to be informed of the best way to protect children against exposure to content that could be harmful to their development. It is recommended that a multi-stakeholder public awareness campaign be initiated to educate users on Internet safety with the involvement of the Ministry of Women's Rights, Child Development and Family Welfare, the Office of the Ombudsperson for children, the IT Security Unit and the ICSF. Specific actions to be implemented in this respect:

8.1.1. Organisation of an Internet Safer Day

It is recommended that Mauritius observes the Internet Safer Day in February as is the case in the EU, USA and Australia and which is also recognised by the ITU. It is proposed that this annual event be conducted by the National Computer Board. The Internet Safer Day could be used as platform for the organisation of awareness events. The Internet Safer Day represents an effort by a global community of awareness-raising partners to promote safe and responsible ICT usage by children and young people.

8.1.2. Focusing on child issues in existing IT Security awareness sessions

It is proposed to add topics on Security relating to Child Safety Online in existing awareness sessions which are being done for the public sector by the IT Security Unit.

8.1.3. Child Safety Online Programme on TV and radio

A 10-15 minute video footage illustrating the problem of Child Safety Online and measures that users should adopt would be undertaken by the NCB. The video will be subsequently aired on TV. Talks would be done on MBC radio as well as private radios.

8.1.4. Logo drawing competition

It is proposed that the Ministry of Education, Culture and Human Resources organise a logo drawing competition among students of secondary school to come up with a brand image that will be subsequently used for the whole sensitisation campaign.

8.1.5. Child Safety Online Awareness sessions to schools, women centres and community centres

It is recommended to include topics on Child Safety Online in awareness sessions which are done for the general public by the Ministry of Women's Rights, Child Development and Family Welfare in schools, women centres and community centres. The IT Security Unit will act as partner by delivering relevant materials and acting as trainer for the officers responsible in doing the sessions from the Ministry of Women's Rights, Child Development and Family Welfare.

8.1.6. Child Safety Online Website

The ICSF in partnership with the Ministry of Women's Rights, Child Development and Family Welfare, the IT Security Unit and the NCB will review the current website of ICSF in order to incorporate aspects on Child Safety Online by providing information about measures and guidelines, Child Safety Online legislation, facilities to report on latest developments in Child Safety Online for different audiences, such as children of different age groups, parents and the general public. The hosting of the ICSF site can be revisited.

8.1.7. Publication and Dissemination of Child Safety Online brochures, stickers and posters.

The NCB, with the collaboration of the Ministry of Women's Rights, Child Development and Family Welfare, the Ministry of Education, Culture and Human Resources, the IT

Security Unit, and ICSF will publish brochures, stickers and posters to be used during all the sensitisation campaigns to be held in context of Child Safety Online.

8.1.8. Sensitisation during the 'Day of the African Child'

The Day of the African Child which is an annual event and organised by the Ministry of Women's Rights, Child Development and Family Welfare in Mauritius can be used as a platform to sensitise the public on how to be safe online.

8.1.9. Increase of end user awareness on the options available for filtering of harmful content

It is proposed that the IMC (Internet Management Committee) and the MCCI (Mauritius Chamber of Commerce and Industry) sensitise parents on the importance of the possibility of installing filtering tools at their home premises to filter certain offensive websites of access by their children.

8.1.10. Increase end user awareness on the importance of the Equipment Number (EG.IMEI)

The ICTA, in collaboration with the MCCI will sensitise the public on the importance of keeping their EG.IMEI of their mobile phones.

8.2. SAFETY MEASURES FOR SCHOOLS AND PUBLIC INTERNET ACCESS POINTS

8.2.1. Schools

The IT Security will enforce the following:

- Schools should implement safety measures, IT security policies and filtering tools to govern the safe use of Internet and protect children from a range of Internet dangers.
- Code of conducts to be developed for fee-paying schools not connected via the Government Online Centre, to ensure that proper safety measures are applied to these schools as well.

The Ministry of Education, Culture and Human Resources to ensure that:

- Student and their parents are made aware of the security policy in place at the school, e.g., parents could be invited to sign the security policy as is the case in other countries, as a token of their agreement to the terms and conditions of the policy.
- The subject of risks facing children online be included in the school curriculum at the secondary level.

8.2.2. Public Internet Access Points, Cyber Cafés and Chat Rooms

Encourage the drafting of regulations under the coming Child Safety Online Bill, so that Public Internet Access Points, Cyber Cafés and Chat Rooms can implement measures and IT Security policies. ICTA will ensure that operators of Public Internet Access Points, Cyber Cafés and Chat Rooms are properly equipped/fitted with such appropriate technology to deny access to inappropriate web sites and to ensure that a minimum level of protection is offered at their level.

8.3. BEST PRACTICES FOR ISPS

8.3.1. Filtering tools

Monitoring of Internet traffic at the levels of ISPs is needed and is important. IMC under the ICT Act to encourage ISPs to provide filtering tools¹⁸ as part of their packages to Internet Subscribers as well as rating mechanisms.

8.3.2. Codes of Conduct

It is recommended that a Code of Conduct be developed for voluntary compliance by ISPs. It is suggested that this code of conduct be based on that of Singapore (Appendix E) and Australia. The IMC (under the ICT Act) should take the lead on this action.

The aims of the codes to include:

¹⁸ Filters are software programs are installed on the home computer. Most of the parental control programs have predetermined "bad sites" which are blocked when the program is activated, and screen other sites based upon certain content and keyword preferences set by the parents.

- (a) providing guidelines for Content Hosts, ISPs and Mobile Carriers to ensure compliance with their legal obligations and promote the adoption of responsible processes and procedures for dealing with Content issues;
- (b) providing a clear, efficient and responsible self-regulatory Content assessment regime in regard to the provision of Mobile Content, in particular to ensure that reasonable steps are taken by Mobile Carriers and Content Providers to protect Minors from viewing Mobile Content that is not suitable for them;
- (c) promoting End User confidence in and encouraging the use of the Internet; and
- (d) providing a transparent mechanism for complaint handling in relation to Content and ensuring that complaints are handled in a fair and efficient manner.

In seeking to achieve its objectives the following principles need to be adhered to:

- (a) Ensure there is a balance between legitimate industry interests and viability and End User interests;
- (b) Any rules should not adversely affect the commercial viability of ISPs and the services they make available.
- (c) ISPs and Users alike have an obligation and duty to implement measures to attempt to minimise Child Pornography.

The recommendations for best industry practices are voluntary and the actual timeframes may vary, depending on the particular operator's network and business. Because of the rapid changes in technology, it is recommended that the best practices should not be treated as mandatory requirements.

8.4. CHILD SAFETY ONLINE LEGISLATION (INCLUDING REVIEW OF CURRENT REPORTING MECHANISM)

It is recommended that there should be the necessary legislation to address the issues of Child Safety Online, and it is the mandate of the project S1P8, under the NICTSP and owned by the Ministry of Women's Rights, Child Development and Family Welfare, to come up with proper legislation related to Child Safety Online. The object of the legislation need to make further provisions for prohibiting such activities, carried out through an information and communication network or service, which include child

pornography, grooming a child for immoral purposes and child access to pornographic material and for the protection of privacy of personal data collected from and about children.

At the same time, it is recommended that reporting mechanisms need to be reviewed, so that all concerned organisations should be more pro-active and user-centric in their approach.

Mechanisms should also exist for ISPs and Chat providers which would allow suspicious behaviour towards children to be noted, reported and dealt with very rapidly.

It is recommended that the legislation should be based on the Model Legislation developed by the International Centre for Missing and Exploited Children (available in Appendix E). Measures which are not currently covered in our current legislation and which need to be addressed immediately in the legislation are:

(a) Definitions

- *Define “child pornography” and include computer and Internet specific terminology.*

It is imperative that, with the advent of the Internet and new technology, mention be made of all the forms child pornography can take including, but not limited to, film, DVD, CD-ROM, diskette, CD, and other electronic media; of all the ways child pornography can be distributed, including via Internet; and of all the ways child pornography can be possessed, including by simply viewing an image on the Internet or by downloading an image to one’s computer.

(b) Offences

- *Penalise those who make known to others where to find child pornography.*

Every image of child pornography that is acquired encourages the further growth of this illicit industry, from “custom” child pornography – the sale of images of child rape created to order for the consumer – to “real-time” child pornography, where subscribers pay to watch the streamed online rape of children as it occurs.

- *Criminalise the downloading or viewing of child pornography images on the Internet and using the Internet to distribute child pornography.*

It is imperative that specific mention be made, in some way, of computer or Internet technology being used to make, view, possess, or distribute child pornography, or in some other way committing a child pornography offence.

- *Penalise those who make known to others where to find child pornography.*
Offering information on where to find child pornography by providing a web site address, for example, should be penalised.

- *Criminalise the actions of parents or legal guardians who acquiesce to their child's participation in child pornography.*

Similar to aiding and abetting in the commission of a crime, a parent or legal guardian who acquiesces to his or her child's participation in pornography is supporting and taking actions towards the commission of multiple crimes: rape, sexual exploitation, sexual assault, sexual abuse, and the manufacture of child pornography, all of which are being committed against his or her own child.

- *Grooming offences must be criminalised.*

Grooming represents the initial actions taken by a child sex offender to "prepare" the child for a sexual relationship. There are generally two forms of grooming: online enticement and distributing or showing pornography (adult or child) to a child.

(c) Mandatory Reporting

- *Mandate healthcare and social services professionals, teachers, law enforcement officers, photo developers, IT professionals, ISPs, credit card companies, and banks to report suspected child pornography to law enforcement.*

There are three classes of individuals and organizations that should be required to report suspected child pornography activities and offenses to law enforcement:

- (1) Individuals who, in their everyday, professional capacity, come into contact with children and owe a certain duty of care to those children;
- (2) individuals who, in their everyday, professional capacity, do not come into contact with children, but may potentially be exposed to child pornography as a result of their job responsibilities; and
- (3) organizations or corporations whose services are being used to proliferate child pornography activities and who, as a result, should exercise a certain amount of industry responsibility/corporate citizenship/corporate social responsibility in their day to day business operations.

(d) Sanctions

- *Address the criminal liability of children involved in pornography*

There should be no criminal liability for children involved in pornography, and such should be clearly stated in national legislation. Regardless of whether a child is a compliant victim or a non-cooperative witness, the fact remains that he or she is a child victim. Criminal liability must focus on the adult offender, who is responsible for the exploitation of the child, and on the crimes he or she committed against that child. Legal provisions should be enacted that would allow for protections of the child victim as a witness in any judicial proceedings that may occur, including permitting closed-circuit testimony in certain circumstances and establishing guidelines for the presence of victim advocates in the courtroom.

- *Enhance penalties for repeat offenders, organised crime participants, and other factors that may be considered upon sentencing*

All violations of enacted child pornography legislation should carry strict sentences that will be enforced, thereby guaranteeing a true deterrent effect. Mere fines and misdemeanor classifications are not enough. Sentencing provisions should take into account aggravating factors and enhancements. Aggravating factors may include the number of images manufactured/produced/distributed/possessed; the severity of the offender's existing criminal record; the sexual violence toward children (including rape,

torture, and bondage) being depicted in the images that were manufactured/produced/distributed/possessed; and any potential threat or risk the offender may pose to the community upon release.

A sentencing enhancement for organized crime activity could either have a deterrent effect or could disrupt the flow of the organization should an offender actually be sentenced to time in prison.

8.5. ENFORCEMENT AND REPORTING MEASURES

8.5.1. Sensitisation on reporting mechanisms

It is recommended that the public be sensitised on the reporting mechanisms being provided so that they know how to act on concerns of child safety online.

The above action will be owned by the Ministry of Women's Rights, Child Development and Family Welfare.

8.5.2. Creation of a cyber patrol

The creation of a cyber patrol under the Police Department (IT Unit) is recommended. A consultancy exercise will have to be initiated by the Police Department to look into the logistics, staffing and infrastructure required to operate a Cyber Patrol Unit. The terms and reference of the Consultancy exercise will have to be discussed and finalised at the level of the Central Coordination Committee.

8.6. INTERNATIONAL CO-OPERATION

8.6.1. Collaboration with Interpol

It is recommended that the collaboration between the Police Department and the Interpol be enhanced to effectively co-ordinate and deal with cases of child safety online in the international context, especially in situations where offences are being committed from outside of Mauritius.

8.6.2. Ratification and implementation of the UN Optional Protocol

It is recommended that Mauritius ratifies and implements the UN Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography.

8.6. MONITORING OF THE ACTION PLAN

It is recommended that a co-ordinating body be set-up and assigned the responsibility to monitor the different actions recommended in the action plan and to also carry out further assessments where necessary to recommend future actions. It is therefore proposed that a Central Coordinating Committee be set up with the following terms of reference:-

- Monitor the implementation of the action plan
- Act as a platform for stakeholders to share information on best practices
- Provide policy guidance on measures for future actions to combat issues linked to child Safety Online in Mauritius.
- Make recommendations on awareness programmes to educate children and parents on the steps about Internet risks;
- Plan the organisation of events for Internet Safer Day each year; and
- Develop guidelines to be adopted by the local ISPs and codes of practice for operators for public Internet access points e.g. cybercafés, public libraries and secondary schools.

The proposed composition of the Committee would be:

1. Ministry of Information and Communication Technology
2. Ministry of Women's Rights, Child Development and Family Welfare
3. Ministry of Education, Culture and Human Resources
4. Police IT Unit, Mauritius Police Force
5. Office of the Ombudsperson for Children
6. National Computer Board (NCB)
7. Information Communication Technologies Authority (ICTA)
8. Mauritius Chamber of Commerce and Industry (MCCI)
9. Internet Child Safety Foundation (ICSF)

Conclusion

The purpose of this paper was to propose an action plan including policy measures to be adopted in the context of Child Safety Online. This report provides an overview of the problem, and the current situation in Mauritius. The following issues were observed:

- (a) Awareness on child safety online is being carried out in Mauritius by several bodies, but there is presently no concerted approach in conducting the awareness sessions.
- (b) Although filtering is being done at the level of the GOC, there is need to provide for proper safety measures for schools and public Internet Access points.
- (c) Not all ISPs are providing filtering for the moment.
- (d) Present legislation need to be reviewed to take into account the new possibilities created by the Internet for combating crimes against children.
- (e) Although sufficient reporting mechanisms exist at the level of the Police and the Ministry of Women's Rights, Child Development and Family Welfare, the organisations should be more reactive in their approach.
- (f) The public may not be aware of the reporting mechanisms.
- (g) Mauritius has only signed, but not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography.

After considering the current situation in the International context, several recommendations have been proposed, and the different owners and partners and time frame given for the actions. The recommendations which are proposed in the Child Safety Online Action Plan are based on the following six main aspects:

- A.** Public Awareness Campaign
- B.** Safety Measures for Schools and Public Internet Access Points
- C.** Best Practices for ISPs
- D.** Child Safety Online Legislation
- E.** Enforcement and Reporting Measures
- F.** International Co-operation

In adopting such an action plan for Mauritius, we are certain that we will be able to navigate a path through the myriad of paradoxes that the Internet will continue to generate.

Appendix A – Composition of Child Safety Online Committee

1. Mr V. Mauree, Acting Executive Director, National Computer Board (Chairman)
2. Mrs D. C. Madhub, Data Protection Commissioner, Prime Minister's Office
3. Dr K. Oolun, Executive Director, Information and Communication Technology Authority
4. Mrs K. Chooramun, Head Child Development Unit, Ministry of Women's Rights, Child Development and Family Welfare
5. Mrs B. Payneandy, Assistant Secretary, Ministry of Agro-Industry (Attended Meetings)
6. Mr M. Oozeer, Senior State Counsel, State Law Office
7. Mrs R. Awotar-Mauree Project Manager, IT Security Unit, Ministry of Information and Communication Technology
8. Ms B. Munohur, Project Manager, IT security Unit, Ministry of Information and Communication Technology
9. Mr N. Gungalaramsamy, Officer In Charge Police IT Unit, Mauritius Police Force
10. Mrs C. Sewock , Investigator, Office of the Ombudsperson for Children
11. Ms K. Purmessur, Assistant Manager (E-Govt), Ministry of Education, Culture and Human Resources
12. Ms O. Lim Tung, Lecturer, Law Department, University of Mauritius (UOM)
13. Mr R. Foogoa, Lecturer, University of Technology, Mauritius (UTM)
14. Mr. M. Busgopaul, The Director, Internet Child Safety Foundation
15. Ms P. Thupsee, Representative of the Mauritius Chamber of Commerce and Industry

Appendix B - Article 17(e) of the Convention on the Rights of the Child

(Source: Office of the Ombudsperson for Children)



Child's access to appropriate information



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Text of Article 17i

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;*
- (b) Encourage international cooperation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;*
- (c) Encourage the production and dissemination of children's books;*
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;*
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.*

Article 17 is particularly focused on the role of the mass media in relation to children's rights but includes a general obligation on States Parties to ensure that the child has access to information and material from diverse sources – especially those aimed at promoting well-being and physical and mental health. This is closely linked to the child's right to freedom of expression (article 13), and to maximum development (article 6). The media must be encour-

aged to disseminate positive material of benefit to the child and in line with the detailed aims for education set out in article 29. The media should also be accessible to the child, promoting and respecting the participatory rights to respect for the views of children (article 12, see page 179).

The Committee on the Rights of the Child has noted the key role that the media can play in making the principles and provisions of the Convention on the Rights of the Child widely

Summary

known to children and adults, in fulfilment of the Convention's article 42 (see page 561). The media can also be crucial in exposing and reporting on breaches of the rights of the child.

During the drafting of the Convention, article 17 started out as a measure simply to protect the child "against any harmful influence that mass media, and in particular the radio, film, television, printed materials and exhibitions, on account of their contents, may exert on his men-

tal and moral development". But early in its discussion, one member of the Working Group suggested that the media did more good than harm and that the article should be phrased in a positive way (E/CN.4/L.1575, pp. 19 and 20, Detrick, p. 279). The final version of the article proposes five actions for States Parties to fulfil in order to achieve the article's overall aim; only the last concerns protecting the child from harmful material. These actions are discussed below. ■



Extracts from Committee on the Rights of the Child Guidelines for Reports to be submitted by States Parties under the Convention

For full text of *Guidelines for Periodic Reports*, see Appendix 3, page 674.

Guidelines for Initial Reports

*Civil rights and freedoms

Under this section States Parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force; factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Convention; and implementation priorities and specific goals for the future in respect of:

...

(d) Access to appropriate information (art. 17);

... *.

(CRC/C/5, para. 15)

Guidelines for Periodic Reports

*IV. CIVIL RIGHTS AND FREEDOMS

G. Access to appropriate information (art. 17)

Please provide information on the measures adopted to ensure that children have access from a diversity of national and international sources to information and material aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health. Please also indicate the measures adopted to encourage:

The production and dissemination of children's books, and the dissemination by the mass media of information and material of social and cultural benefit to the child, with particular regard to the linguistic needs of children belonging to a minority group or who are indigenous;

International cooperation in the production, exchange and dissemination of such information and material of social and cultural benefit for the child, in accordance with the spirit of article 29 of the Convention on the aims of education, including any international agreements concluded for that purpose;

The development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, as well as from harmful exposure in the mass media, bearing in mind the provisions of articles 13 and 18."

(CRC/C/58, para. 60. The following paragraphs of the *Guidelines for Periodic Reports* are also relevant to reporting under this article: 22, 23, 55, 133, 159, 161, 164; for full text of *Guidelines*, see Appendix 3, page 674.)

Key roles of the media

The Committee on the Rights of the Child requested one of its members, Thomas Hammarberg, an ex-journalist, to prepare a paper for the General Discussion on “Children, the UN Convention and the Media”.

The paper stated: “The Convention is formally addressed to Governments and does not interfere with independence of the media. Still, it brings an indirect message to media institutions which goes deeper than suggesting that its existence and impact be mentioned. As with human rights in general, the press and other media have essential functions in promoting and protecting rights of the individual, including through monitoring violations and other actions by governments. The rights of the child bring particular challenges for the media...”. The paper goes on to review the implications of various relevant articles, in particular 12, 13 and 17, emphasizing “two major tendencies in these articles. One is about freedom of expression and the access to the media, the other one is treating the media as an educational tool. Though clearly distinct, the two aspects interrelate.” The paper notes that Initial Reports had shown a mixed picture of implementation – several not even mentioning the issues (Thomas Hammarberg, *Children, the UN Convention and the Media*, paper for General Discussion, 7 October 1996).

The “important function performed by the mass media”

In the report of its General Discussion on “The child and the media”, the Committee on the Rights of the Child stressed various media roles in relation to full implementation of the Convention on the Rights of the Child, including, but going beyond, the scope of article 17:

“The Committee on the Rights of the Child believes that the media – both written and audiovisual – are highly important in the efforts to make reality [of] the principles and standards of the Convention. The media in many countries have already contributed greatly in creating an awareness of the Convention and its content. The media could also play a pivotal role in monitoring the actual implementation of the rights of the child...”

The Committee also highlighted the importance of children having access to the media:

“Finally, the media is important for offering children the possibility of expressing themselves. One of the principles of the Convention is that the views of children be heard and given due respect (art. 12). This is also reflected in articles about freedom of expression, thought, conscience and religion (art. 13-14). It is in the spirit of these provisions that children should not only be able to consume information material but also to participate themselves in the media. This requires that there exist media which communicate with children. The Committee on the Rights of the Child has noted that there have been experiments in several countries to develop child-oriented media; some daily newspapers have special pages for children and radio and television programmes also devote special segments for the young audience. Further efforts are,

however, needed.” (Report on the eleventh session, January 1996, CRC/C/50, Annex IX, pp. 80-81. For the Committee’s comments on the potentially harmful influence of the media, see below, page 236.)

Following the General Discussion to ensure follow-up, the Committee convened a Working Group, which met at UNESCO headquarters in April 1997 and agreed to put together a “first stage action plan” for the 12 recommendations (see box on page 230). Once this was under way, a second stage action could be discussed and planned. The Working Group reported to the Committee in May 1997 (Working Group on Children and the Media: Report to the Committee on the Rights of the Child, High Commissioner for Human Rights/Centre for Human Rights, May 1997. A full report of the first session of the Working Group convened to follow up the General Discussion and the 12 main recommendations which emerged from it is included as Annex IV to the report on the fifteenth session, May/June 1997, CRC/C/66).

In 1999, a workshop on “The child and the media” was held in Oslo, Norway, and produced a document, “The Oslo Challenge”, which identifies challenges for governments, organizations, individuals and the private sector in seeking to improve implementation of the right of the child to access appropriate information. (Report on the twenty-third session, January 2000, CRC/C/94, para. 481)

Following the two-day workshop held to commemorate the tenth anniversary of the Convention on the Rights of the Child (30 September and 1 October 1999), the Committee adopted conclusions, including

ACCESS TO INFORMATION: MASS MEDIA



General Discussion – “The child and the media”

The following recommendations arose during the plenary and working group sessions of the General Discussion:

1. Child media: A dossier should be compiled on positive, practical experiences of active child participation in the media.
2. Child forum within Internet: The UNICEF-initiated “Voices of Youth” on the World Wide Web should be promoted and advertised as a positive facility for international discussion on important issues among young people.
3. Active child libraries: The experience of dynamic child libraries, or child departments within public libraries, should be documented and disseminated.
4. Media education: Knowledge about the media, their impact and their functioning should be imparted in schools at all levels. Students should be enabled to relate to and use the media in a participatory manner, as well as to learn how to decode media messages, including in advertising. Good experiences in some countries should be made available to others.
5. State support to media for children: There is a need for budgetary support to ensure the production and dissemination of children’s books, magazines and papers, music, theatre and other artistic expressions for children, as well as child-oriented films and videos. Assistance through international cooperation should also support media and art for children.
6. Constructive agreements with media companies to protect children against harmful influences: Facts should be gathered about various attempts at voluntary agreements with media companies on positive measures, such as not broadcasting violent programmes during certain hours, clear presentations before programmes about their content and the development of technical devices such as ‘V-chips’, to help consumers to block out certain types of programmes. Likewise, experiences with respect to the introduction of voluntary ethical standards and mechanisms to encourage respect for them should be assembled and evaluated; this should include an analysis of the effectiveness of existing codes of conduct, professional guidelines, press councils, broadcasting councils, press ombudsmen and similar bodies.
7. Comprehensive national plans to empower parents in the media market: Governments should initiate a national discussion on means to promote positive alternatives to the negative tendencies of the media market, to encourage media knowledge and to support parents in their role as guides to their children in relation to electronic and other media. An international workshop should be organized to promote a discussion on this approach.
8. Advice on implementation of article 17 of the Convention on the Rights of the Child: A study should be conducted with the purpose of developing advice to Governments on how they could encourage the development of “guidelines for the protection of the child from information and material injurious to his or her well-being.” Such a study should also serve the purpose of assisting the Committee on the Rights of the Child in drafting a General Comment on article 17.
9. Specific guidelines for reporting on child abuse: To encourage further discussion in newsrooms and within the media community as a whole, guidelines should be drafted by appropriate journalism bodies on how to report on abuse of children and at the same time protect the dignity of the children involved. Special emphasis should be placed on the issue of not exposing the identity of the child.
10. Material for journalism education on child rights: Material should be produced to assist journalism and media schools on child rights standards; established procedures for child rights monitoring; existing international, regional and national institutions working with children; as well as basic aspects of child development. The manual planned by the Centre for Human Rights of the United Nations as a tool for journalists’ education on human rights should be widely disseminated when it is produced.
11. Network for media watchgroups: The positive work of media watchgroups in various countries should be encouraged and good ideas transferred between countries. The purpose is to give media consumers a voice in the discussion on media ethics and children. A focal point for exchanges should be established.
12. Service to “child rights correspondents”: Interested journalists should be invited to sign up on a list of “child rights correspondents”. They should be provided regularly with information about important child issues and with interesting reports by others, and be seen as media advisers to the international child rights community.

(Report on the thirteenth session, September/October 1996, CRC/C/57, paras. 242 et seq.)

some on promotion of child participation (see page 58). It proposed that States should give

"...increased consideration to the creation of space, channels, structures and/or mechanisms to facilitate the expression by children of their views, in particular with regard to the formulation of public policies from local up to national level, with appropriate support from adults, including in particular support regarding training. This requires investment to institutionalize effective spaces and opportunities for children to express their views and to engage with adults, especially through schools, community organizations, NGOs, and the media..."

(Report on the twenty-second session, September/October 1999, CRC/C/90, para. 291(w))

The Committee has encouraged individual States to promote participatory rights of children through the media:

"... The Committee recommends that the State Party develop further a systematic approach to increasing, including through the media, public awareness of the participatory rights of children in order to make these rights and their implications fully understood by the population at large." (Guinea IRCO, Add.100, para. 18)

"In light of article 12 of the Convention, the Committee recommends that the State Party promote the right of children to express their views through the adoption and implementation of appropriate legislation, through the sensitization of key professional groups and the family, through use of the media and through other activities targeting the public in general and parents and schools in particular." (Central African Republic IRCO, Add.138, para. 35)

Ensuring the child "has access to information ... from a diversity of national and international sources" – especially those aimed at promoting well-being and physical and mental health

The Committee regards article 17 as expressing civil rights of children and frequently notes general concern at the lack of attention paid to implementation of children's civil rights and freedoms, including those provided by articles 13, 14, 15, 16 and 17. For example:

"The Committee is generally concerned that inadequate attention has been given to the promotion of civil rights and freedoms of the child, as provided for in articles 13, 14, 15, 16,

and 17 of the Convention. Information before the Committee indicates that traditional social attitudes regarding the role of children appear to make it difficult to accept children fully as the subjects of rights. The Committee urges the State Party to redouble its efforts to educate and sensitize parliamentarians and government officials, professional groups, parents and children on the importance of accepting fully the concept of child rights, and recommends that legislative measures be envisaged to guarantee the enjoyment of civil rights and freedoms for every child."

(Barbados IRCO, Add.103, para. 18)

This section of article 17 provides the overall aim for the five particular strategies outlined in paragraphs (a) to (e). They are related to the child's freedom of expression under article 13(1), which "shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice" (see page 185). They relate to the role of the media in promoting the child's maximum development under article 6, and also to the aims of education (article 29), and the need for health education (article 24). In addition, article 31 states the right of the child to participate freely and fully in cultural and artistic life, and the State's obligation to encourage the provision of appropriate and equal opportunities; here, too, the media can play an important role (see page 465).

The Committee on the Rights of the Child has noted some gaps in children's access to appropriate information, sometimes in particular regions or types of region, for example rural areas, and has proposed some specific solutions:

"The Committee is concerned that children have poor access to information.

"The Committee recommends that the State Party improve children's access to information, inter alia by providing greater access to newspapers and libraries, including materials in the Sango language, and to radio..."

(Central African Republic IRCO, Add.138, paras. 42 and 43)

"The Committee notes with concern that children living in the outer islands do not have adequate access to information and material from a diversity of national and international sources aimed at promoting the child's development and physical and mental health..."

"The Committee recommends that the State Party reinforce measures for the production of programmes and books for children and disseminate them within the country, in particular the outer islands, and in this regard envisage taking steps for the introduction of





Production and distribution of children's books in Norway

There is a special purchasing programme for contemporary Norwegian children's books. Every year around 100 fiction titles and 20 non-fiction titles are purchased and distributed to 1,550 libraries (1,000 public libraries and 550 school libraries).

Children and adolescents use libraries more frequently than any other age group. Books are borrowed free of charge. State funds are available for the production of illustrated children's books. Three Norwegian and one Sami children's magazines receive grants from the State. Funds are also granted for various projects focusing on books for children and adolescents, presenting Norwegian authors and contemporary literature and stimulating the use of libraries. The Directorate for Public and School Libraries arranges campaigns and competitions to promote the reading of books. (Norway 2R, paras. 332 and 333)

the use of computers in schools...
(Marshall Islands IRCO, Add.139, paras. 34 and 35)

"...while noting that there is State support, including through tax reduction, for the publication and sale of books, [the Committee] nevertheless notes with concern that not enough programmes and books for children are being produced and disseminated in the country...

"It further recommends that the State Party reinforce measures to encourage the production of programmes and books for children and disseminate them throughout the country, in particular in rural areas..."
(Lithuania IRCO, Add.146, paras. 27 and 28. See also Burundi IRCO, Add.133, paras. 44 and 45)

Ensuring that disabled children have equal access to information through the media may require special and additional arrangements (see article 23, page 332).

Children whose liberty is restricted. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty highlights access to the media: "Juveniles should have the opportunity to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, through access to radio and television programmes and motion pictures ..." (rule 62). Special consideration may need to be given to children's access to the media in any institutional placement and in other special circumstances.

Market forces and the media

"The attainment of independence has led to changes in the sphere of the mass media. The distinguishing features of this sphere today are pluralism of information, a rapidly growing newspaper industry, and growing competition. The one-sidedness and careful dosage of the Soviet period are things of the past; we now have a situation of over-saturation with information... Regrettably, the subject matter of children's newspapers and journals has come to reflect the younger generation's interest in entertainment, violence, etc.

"The commercialization of the press and of book publishing has made such negative aspects of western mass culture as violence, eroticism and horror accessible to children. The dissemination of such publications, for the most part imported from abroad, is almost uncontrolled. Despite existing prohibitions, the law enforcement organs are essentially inactive vis-à-vis such practices. The publication of books for children is an acute problem, again as a result of the commercialization of publishing activities...

"A difficult situation in terms of the right of the child to satisfy his/her cultural needs has arisen on the film and video market. A tidal wave of films and videos of the lowest kind promoting mindlessness and violence or focused exclusively on entertainment has engulfed the young spectator. The same can be said of the book market, which is being replenished chiefly with foreign publications of a very specific kind - thrillers, fantasy fiction, erotica and sometimes pornography. Unfortunately, the commercialization of film and video distribution and the book trade leaves too little room for the genuine spiritual values in which young people ought to be educated." (Georgia IR, paras. 103-106, 267)

“Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29”: article 17(a)

Article 29(1) sets out the aims for the education of the child. Article 17 suggests that the content of information and material disseminated by the media should be in accordance with these aims, which are directed to:

- development of the child’s personality, talents and mental and physical abilities to their fullest potential;
- development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- development of respect for
 - the child’s parents;
 - the child’s cultural identity, language and values;
 - the national values of:
 - ◆ the country in which the child is living;
 - ◆ the country from which he or she may originate;
 - civilizations different from his or her own;
- preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes and friendship among all peoples, ethnic national and religious groups and persons of indigenous origin;
- development of respect for the natural environment.

(see article 29, page 431).

In its first General Comment, on the aims of education, the Committee notes:

“The media, broadly defined, also have a central role to play both in promoting the values and aims reflected in article 29(1) and in ensuring that their activities do not undermine the efforts of others to promote those objectives. Governments are obligated by the Convention, pursuant to article 17(a), to take all appropriate steps to ‘encourage the mass media to disseminate information and material of social and cultural benefit to the child’.” (Report on the twenty-sixth session, January 2001, CRC/C/103, Annex IX, para. 21. See also article 29, page 434.)

Promoting understanding, peace and tolerance

The Committee on the Rights of the Child has noted with concern certain instances where the

Fictionalized Violence Council in Sweden

“The Council on Fictionalized Violence has the task of coordinating measures by national authorities to combat harmful fictionalized violence. The Council also cooperates with various organizations and with the enterprise sector. It observes research in Sweden and other countries, as well as itself commissioning research. The Council encourages and supports associations and others concerning themselves with aspects of fictionalized violence. The Council also works for the improvement of media knowledge in schools. Its secretariat is open to questions and information requests from the general public.” (Sweden 2R, para. 99)



media may be promoting negative attitudes and even hatred of certain groups:

“The Committee is concerned at the information brought to its attention concerning the hostile sentiments apparently broadcast by certain mass media. The Committee is worried about tendencies in the media which may lead to the incitement of hatred against certain ethnic and religious groups.

“The Committee is deeply concerned about the absence of pluralism in the activities of the major organs of mass media, limiting the freedom of the child to receive information and the freedom of thought and conscience, as provided for in articles 13 and 14 of the Convention.” (Federal Republic of Yugoslavia IRCO, Add.49, paras. 11 and 12)

The Committee has emphasized the responsibility of the media to contribute to fostering “understanding, peace, tolerance...” and so on, as set out in article 29(1)(d):

“... The Committee observes that the State-controlled mass media, in the interests of healing and building trust within the country, have a role and a responsibility to contribute to the efforts to foster tolerance and understanding between different groups and that the broadcasting of programmes that run counter to this objective should end. The Committee recommends that the securing and dissemination of broader and more diverse sources of information designed for children, including by broadcasting them on the mass media, would assist in ensuring further implementation of the principles and provisions of the Convention, including those of its article 17. It is also suggested that measures should be taken to improve the activities of

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Advertising which targets children

“The business terms and conditions for advertising in Austrian Broadcasting Corporation (ORF) programmes represent a code of ethics for public broadcasting according to which, for example, it is not permitted to use children in advertising messages that aim at making children exert psychological pressure on parents or legal guardians to purchase certain products. Advertising spots in which (i) invitations to consume are sent directly to children, or (ii) invitations to consume are - by using children - sent to adults by children, or (iii) invitations to buy are - by using children - sent to children by children as the target group either directly or indirectly, or (iv) child imitations take place, shall not be accepted by those responsible for programming.” (Austria IR, para. 168)

the mass media in imparting information for children in their own language, including Albanian.” (Federal Republic of Yugoslavia IRCO, Add.49, para. 28)

“The Committee also recommends, in the interests of healing and trust-building within the country and in the spirit of article 17 of the Convention, that the State-controlled mass media should play an active role in the efforts to secure tolerance and understanding between different ethnic groups, and that the broadcasting of programmes which would run counter to this objective come to an end.” (Croatia IRCO, Add.52, para. 20)

In 1978, the General Conference of UNESCO proclaimed the Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War.

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, South Africa, September 2001) in its Declaration expresses deep concern “about the use of new information technologies, such as the Internet, for purposes contrary to respect for human values, equality, non-discrimination, respect for others and tolerance, including to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and that, in particular, children and youth having access to this material could be negatively influenced by it.” (A/CONF.189/12, Declaration, para. 91. For full details see box, page 30)

Promoting equality of the sexes

Another of the aims set out in article 29 is promoting equality of the sexes. The report of the Committee’s General Discussion on “The girl child” refers to

“the importance of eradicating degrading and exploitative images of girls and women in

the media and advertising. The values and models of behaviour that were portrayed contributed to the perpetuation of inequality and inferiority.” (Report on the eighth session, January 1995, CRC/C/38, para. 291)

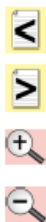
The Platform for Action arising from the 1995 Fourth World Conference on Women has a section on “Women and the media”, which both emphasizes the potential of the media for making a far greater contribution to the advancement of women and that “The continued projection of negative and degrading images of women in media communications – electronic, print, visual and audio – must be changed” (The Beijing Declaration and Platform for Action, 1996, A/CONF.177/20/Rev.1, paras. 234 and 236).

Promoting awareness of disability

The Standard Rules on the Equalization of Opportunities for Persons with Disabilities, in rule 1 on “Awareness-raising”, proposes: “States should encourage the portrayal of persons with disabilities by the mass media in a positive way; organizations of persons with disabilities should be consulted on this matter.” In addition, rule 9 suggests that the media should be encouraged to play an important part in removing negative attitudes “towards marriage, sexuality and parenthood of persons with disabilities, especially of girls and women with disabilities, which still prevail in society.”

Prevention of juvenile delinquency

Further advice on the role of the media in the positive socialization of children is given in the United Nations Guidelines for the Prevention of Juvenile Delinquency, the Riyadh Guidelines, which the Committee on the Rights of the Child has consistently commended as providing appropriate standards for implementation of the Convention on the Rights of the Child. Within the section on “Socialization processes”, a subsection on the mass media reads:



“40. The mass media should be encouraged to ensure that young persons have access to information and material from a diversity of national and international sources.

41. The mass media should be encouraged to portray the positive contribution of young persons to society.

42. The mass media should be encouraged to disseminate information on the existence of services, facilities and opportunities for young persons in society.

43. The mass media generally, and the television and film media in particular, should be encouraged to minimize the level of pornography, drugs and violence portrayed and to display violence and exploitation disfavouredly, as well as to avoid demeaning and degrading presentations, especially of children, women and interpersonal relations, and to promote egalitarian principles and roles.

44. The mass media should be aware of its extensive social role and responsibility, as well as its influence, in communications relating to youthful drug and alcohol abuse. It should use its power for drug abuse prevention by relaying consistent messages through a balanced approach. Effective drug awareness campaigns at all levels should be promoted.”

Health promotion

In the Convention on the Rights of the Child, another particular reference to children’s need for information appears under article 24, in which States Parties are required to take appropriate measures to ensure that parents and children are informed about child health and various specific health issues (article 24(2)(e), see page 356). Here, too, the media can play an important role. For instance:

“... the Committee wishes to encourage the State Party to consider greater use of the media in relation to awareness-raising and education on the dangers of sexual exploitation and abuse and the issues of HIV/AIDS and other sexually transmitted diseases.” (Federal Republic of Yugoslavia IRCO, Add.49, para. 41)

“Encourage international cooperation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources”: article 17(b)

This provision reflects a focus on international cooperation to achieve full implementation,

found throughout the Convention on the Rights of the Child. It also emphasizes the diversity of material that should be available to the child. Modern technology is dramatically affecting the instant dissemination of information, increasing the potential of the media for education and development, while also raising concerns about the aims and content of some information being made available to children.

“Encourage the production and dissemination of children’s books”: article 17(c)

Late in the drafting process of article 17, a non-governmental organization proposed that there should be a specific provision to promote children’s reading. The International Board on Books for Young People proposed a new subparagraph: “Encourage, at all levels, literacy and the reading habit through children’s book production and dissemination, as well as the habit of story-telling” (E/CN.4/1987/25, p. 7; Detrick, p. 287). The provision in subparagraph (c) developed from this proposal.

UNESCO has for many years promoted publication of children’s literature, together with the major professional bodies and NGOs.

“Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous”: article 17(d)

Article 30 (see page 453) requires that the child who belongs to a religious or linguistic minority, or who is indigenous, should not be denied the right to enjoy his or her own culture, to profess and practice his or her own religion or to use his or her own language. The aims of education in article 29 also require respect for varying national values, cultures and languages. Article 17 indicates the important role the mass media should be encouraged to play, for instance through producing material and programmes in minority languages.

In commenting on the need to make the principles and provisions of the Convention on the Rights of the Child well known to adults and children (under article 42, see page 611), the Committee has often emphasized the importance of ensuring translation into minority and indigenous languages, and the particular importance of the media’s participation in this task.



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“Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18”: article 17(e)

Increasing concern exists in many countries about the potential negative effects on children’s development, including physical and mental health, of the projection of violence through the mass media. In the report of its General Discussion on “The child and the media”, the Committee on the Rights of the Child highlighted this point and other negative aspects of the media (including its portrayal of children and childhood as quoted in relation to article 16, the child’s right to privacy, see page 213):

“...Concern has also been expressed about the influence on children of negative aspects of the media, primarily programmes containing brutal violence and pornography. There is discussion in a number of countries about how to protect children from violence on television, in video films and in other modern media. Again, voluntary agreements have been attempted, with varied impact. This particular problem is raised in article 17 of the Convention which recommends that appropriate guidelines be developed ‘for the protection of the child from information and material injurious to his or her well-being’. ‘Such guidelines have indeed been developed in some countries, with varied results. The United Nations Educational, Scientific and Cultural Organization has recently renewed discussion on this topic.’ (Report on the eleventh session, January 1996, CRC/C/50, Annex IX, pp. 80 and 81)

The Convention on the Rights of the Child proposes guidelines, suggesting voluntary rather than legislative controls. In developing guidelines, States Parties must bear in mind the provisions in two other articles:

- the child’s right to freedom of expression, which can only be subject to certain limited restrictions, set out in paragraph 2 of article 13 (see page 188);
- parents’ primary responsibility for the upbringing and development of the child, with the child’s best interests as their basic concern, and the State’s obligation to provide appropriate assistance (article 18, see page 243).

Article 5, requiring respect for parents’ rights to provide appropriate direction and guidance

consistent with the evolving capacities of the child, is also relevant. Ultimately, it is parents and other caregivers who will have primary responsibility for supervising their child’s use of the media. The State should assist parents, for example, by ensuring that they have adequate information about the content of television programmes, videos, computer games and so on.

Article 34(b) requires measures to prevent “the exploitative use of children in pornographic performances and materials” (see page 505). The new Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (see Appendix 2, page 670) defines child pornography as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes” (article 2). Its Preamble notes “the growing availability of child pornography on the Internet and other evolving technologies” and recalls the International Conference on Combating Child Pornography on the Internet (Vienna, 1999) and “in particular its conclusion calling for the worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography, and stressing the importance of closer cooperation and partnership between governments and the Internet industry” (see article 34, page 505 for further discussion).

The recommendations which arose from the Committee’s General Discussion on “The child and the media” include developing constructive agreements with media companies to protect children against harmful influences, comprehensive plans to empower parents in the media market, training of journalists, and specific guidelines for reporting on child abuse (see box, page 230).

The Committee has noted the absence of adequate protection from potentially injurious material in its examination of various States Parties’ reports and it has proposed legislation and guidelines as well as parent education:

“In light of article 17 of the Convention, the Committee recommends that the State Party enact special legislation to protect children from harmful information, in particular from television programmes and films containing brutal violence and pornography, and to guarantee their access to appropriate information. The Committee further recommends that the State Party take into consideration the Committee’s recommendations during its day of general

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discussion (1996) on the child and the media (CRC/C/57)." (Cambodia IRCO, Add.128, para. 36)

"The Committee... is also concerned that children are not adequately protected from violence and pornography on television, in video films and in other media.

"...In light of articles 13, 17 and 18 of the Convention, it further encourages the State Party to develop appropriate guidelines and legislation for the protection of the child from information and material injurious to his or her development, in particular violence and pornography, and also to develop programmes to educate parents." (Marshall Islands IRCO, Add.139, paras. 34 and 35)

"The Committee is concerned that children are not adequately protected from the violence and pornography increasingly being shown on television, in video films and in other media...

"In light of article 17 of the Convention, the Committee encourages the State Party to further enforce appropriate guidelines and legislation for the protection of the child from information and material injurious to his or her development, in particular violence and pornography, such as the Law on the Provision of Information to the Public of 1996..." (Lithuania IRCO, Add.146, paras. 27 and 28)

Where legislative protection exists, the Committee has noted the need for other measures:

"In light of its recommendation (see Nicaragua IRCO, Add.36, para. 34) the Committee welcomes the fact that domestic legislation (Code on Children and Adolescents) has introduced protection of the child from information and material injurious to his/her well-being and guarantees access to appropriate information (art.17) and protection of the child's right to privacy (art.16). However, the Committee remains concerned about the lack of secondary legislation regulating the practical implementation of these rights. The Committee encourages the State Party to continue with its process of legal reform and allocation of appropriate resources in order to establish practical procedures and regulations to protect children from harmful information and to guarantee their access to appropriate information and their right to privacy. The Committee further recommends that it take into consideration the Committee's recommendations emanating from its day of general discussion (1996) on 'The child and the media' (CRC/C/57)." (Nicaragua IRCO, Add.108, para. 28)

On occasions, it has proposed a study:

"The Committee recommends that the State Party undertake a study with a view to

adopting all measures, including legal ones, to protect children from harmful effects of the print, electronic and audiovisual media, in particular violence and pornography." (Federated States of Micronesia IRCO, Add.86, para. 33)

The Committee's concern covers harmful information disseminated through new media technologies including the Internet:

"The Committee recommends that the State Party take all appropriate measures, including legal ones, to protect children from harmful information, including in the audio-visual media as well as in media using new technologies." (Ghana IRCO, Add.73, para. 37)

"In the light of article 17 of the Convention, the Committee recommends that the State Party take all appropriate legal and other measures to protect children from being exposed to violence and pornography through video movies and other modern technologies, including the Internet. The Committee also recommends that the State Party pursue its efforts to adopt legislation effectively prohibiting the possession of pornographic material involving children. Bilateral cooperation with neighbouring countries should be engaged to this effect." (Luxembourg IRCO, Add.92, para. 30)

"The Committee is concerned about the potentially harmful effects of programmes available through cable television which is the preferred viewing option of the population. The Committee recommends that the State Party take measures, including parental education, to protect children from exposure to harmful information, including violence and pornography." (Saint Kitts and Nevis IRCO, Add.104, para. 19)

"The Committee notes with concern that insufficient efforts have been made to protect children from harmful information shown in private cinemas, homes and community settings. In the light of article 17 of the Convention, the Committee recommends that the State Party reinforce existing and/or establish new appropriate measures to protect children from harmful information." (Mali IRCO, Add.113, para. 20)

Privacy of the child and the media

One potential threat to the well-being of the child posed by the media relates to the child's right to privacy (see article 16, page 217). In addition, article 40(2)(b)(vii) requires respect in media coverage for the privacy of children involved in the juvenile justice system, and the Committee has raised similar concerns about the privacy of child victims of abuse and of family problems. The Agenda for Action of the First World



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Congress against Commercial Sexual Exploitation of Children (Stockholm, 1996) calls on media professionals “to develop strategies which strengthen the role of the media in providing information of the highest quality, reliability and ethical standards concerning all aspects of commercial sexual exploitation of children”. It also proposes “voluntary ethical codes of conduct” (A/51/385, p.5, paras. 3(k) and 4(g)).

The media, armed conflict and children

The Graça Machel study on the *Impact of Armed Conflict on Children* indicates that the media is capable of effectively galvanizing international public support for humanitarian action, and that

the threat of adverse international publicity may also be positive, holding the potential for keeping some gross violations of human rights in check. “Ultimately, however, while reports of starving children or overcrowded camps for displaced persons may be dramatic, they do little to support efforts for long-term reconstruction and reconciliation.” The study also suggests that the media can play an important role by helping readers and viewers to enjoy diversity, “and by promoting the understanding that is needed for peaceful coexistence and the respect that is required for the enjoyment of human rights...” (A/51/306, paras. 28 and 257)

Appendix C– Main findings of report on “Impact of Internet on Children” September 2007 (Source: ICSF)

Aim of research: to collect data to answer the key research question about how children are using the Internet and study and describe the impact on the users.

Summary of findings

1. Absence of parental control and guidance

The study shows that the surveyed population enjoy considerable privacy in the use of Internet at home. This constitute a risk when children are allowed to access Internet without parental guidance and control

2. Measures needed to prevent harm against increasing use of Internet by children

Proactive measures are called for to prevent harm to young Internet users through both parental education and controlled-access software. The use of home computers and laptops by children is increasing due to easy availability of loan facilities regarding the purchase of computers. It is predicted that many more children are going to have considerable privacy while using the Internet.

3. Absence of policy guidelines to advise parents on how much time children should spend on Internet

Considerable time is being spent on Internet by children. The study shows that length of time varies from 3 to 5 hours daily, which reduces time for socialisation and communication between children and parents. Reports finding can be used to do further research and develop guidelines for parents.

4. Internet can lead to sedentary lifestyles and present health risks

5. The study shows that the favourite activity of young users is downloading of music and games.

Cyber criminals are aware of this and can develop strategies to entice them through recreational programs.

6. 65 percent of the surveyed population owned a computer.

7. **29.6 % have their computer in their bedroom.** 47.5% of males and 42.55% of females had the computer located in their bedroom
8. **Overwhelming majority of children (95.4%) and young people in the surveyed population stated that they browsed the Internet.** 88 percent of users stated that they spent up to three hours on the computer
9. **88.4 percent of children and young persons used the Internet for email; 77.3% of children and young persons used Internet also to chat**
10. **45% of children stated that they informed their parents about their online activity**
11. **Only 8.9 percent (less than ten percent) of parents monitored the websites visited by the respondents.** 59 percent stated that their parents did not monitor, about 31.4 percent stated that they did not know.
12. **The majority of respondents (82 percent) did not share vital information about themselves on the Internet.** However, some 15 percent of respondents reported that they did share vital information about themselves on the Internet.
13. **11 percent of respondents stated that they were influenced by their on line friends.** 57 percent of the interviewees acknowledged that they had some bad experience on the Internet.
14. **60.5 percent of the respondents stated that in their views the ISPs in Mauritius were playing their role in a responsible manner.** However, 39.5 percent were of the view that ISPs were not assuming their role in a responsible way.
15. **39 percent of respondents felt that software companies were no favoring safe surfing, and of this number, 76 percent of respondents felt that the software companies need to develop packages that will restrict/filter access to unsuitable sites for children.**

Appendix D - Model Legislation for Child Protection Online

The International Centre for Missing and Exploited Children, in collaboration with Interpol, has developed “model legislation” with regards to child pornography and protection of children online.

The model legislation is broken down into four parts:

- (1) Definitions;
- (2) Offences;
- (3) Mandatory Reporting; and
- (4) Sanctions and Sentencing.

Definitions

Define “child,” for the purposes of child pornography, as “anyone under the age of 18,” regardless of the age of sexual consent.

The age at which a person can consent to sexual activity varies from country to country, a challenging obstacle to the consistent and harmonized protection of children from sexual exploitation on the international level. While a person under the age of 18 may be able to freely consent to sexual relations, such an individual is not legally able to consent to any form of sexual exploitation, including child pornography.

Moreover, in circumstances that require “dual criminality” – when a crime committed abroad must also be a crime in an offender’s home country in order for the offender to be prosecuted in his or her home country – agreement on a common age for what is a “child” is crucial. Any discrepancy will prevent a child sex offender from being prosecuted. For these reasons, “child,” for purposes of child pornography, should be defined as “anyone under the age of 18 years.”

Define “child pornography” and include computer and Internet specific terminology.

So that there can be no question in the mind of the offender or on the part of law enforcement, a judge, or the jury, child pornography should be adequately defined in national legislation. The definition should include, at a minimum, the visual representation or depiction of a child engaged in a (real or simulated) sexual display or act or performance. Moreover, it is imperative that, with the advent of the Internet and new technologies, mention to be made of all the forms child pornography can take including, but not limited to, film, DVD, CD-ROM, diskette, CD, and other electronic media; of all the ways child pornography can be distributed, including via Internet; and of all the ways child pornography can be possessed.

Offences**Criminalise simple possession of child pornography, regardless of the intent to distribute.**

Every image of child pornography that is acquired encourages the further growth of this illicit industry, from “custom” child pornography – the sale of images of child rape created to order for the consumer – to “real-time” child pornography, where subscribers pay to watch the streamed online rape of children as it occurs. Victims portrayed in the images are getting younger and younger and the images are becoming more graphic and more violent.

Criminalise the downloading or viewing of child pornography images on the Internet and using the Internet to distribute child pornography.

Offenders use the Internet to view, download, distribute, acquire, and trade child pornography on a daily basis. Therefore, as stated earlier, it is imperative that specific mention be made, in some way, of computer or Internet technology being used to make, view, possess, or distribute child pornography, or in some other way commit a child pornography offence. Note that there is a difference between viewing an image on the Internet and downloading an image from the Internet. Both viewing and downloading should be criminalised as separate and distinct offences.

Penalise those who make known to others where to find child pornography.

Offering information on where to find child pornography by providing a web site address, for example, should be penalized. An individual who assists in the commission of a crime (*i.e.*, possession or downloading of child pornography) through offering advice or taking actions necessary to facilitate the possession or downloading of illegal content should be, at a minimum, fined.

Criminalise the actions of parents or legal guardians who acquiesce to their child's participation in child pornography.

Similar to aiding and abetting in the commission of a crime, a parent or legal guardian who acquiesces to his or her child's participation in pornography is supporting and taking actions towards the commission of multiple crimes: rape, sexual exploitation, sexual assault, sexual abuse, and the manufacture of child pornography, all of which are being committed against his or her own child.

There can be no transfer of consent from the parent or guardian to the child to participate in child pornography. Just as a parent or guardian cannot lawfully consent to a child driving a motor vehicle underage, neither can a parent or guardian consent on behalf of a child to the child's participation in child pornography.

Grooming offences must be criminalised.

Grooming represents the initial actions taken by a child sex offender to "prepare" the child for a sexual relationship. There are generally two forms of grooming: online enticement and distributing or showing pornography (adult or child) to a child.

Online enticement of a child for sexual acts occurs when a child sex offender uses the Internet to lure, invite, or persuade the child to meet for sexual acts. Child sex offenders use email, instant messaging, bulletin boards, and chat rooms to gain a child's trust and then arrange a face-to-face meeting.

Child sex offenders will show pornography (adult or child) to a child in order to lower his or her inhibitions, to “normalise” what is not normal, and to instruct the child in sexual activities. The enactment of online grooming or online enticement legislation may help to identify latent child sex offenders and preclude later victimization of children.

Punish attempt crimes

The rationale behind criminalising an attempt would be to punish an individual who has demonstrated an inclination to commit a crime without having to wait for the completion of the crime. Punishing attempt crimes can serve as an early warning for not only law enforcement and the society but also for the offender, who is put on notice from his or her first misstep that even incomplete crimes will not be tolerated and will be punished.

Mandatory Reporting

Mandate healthcare and social services professionals, teachers, law enforcement officers, photo developers, IT professionals, ISPs, credit card companies, and banks to report suspected child pornography to law enforcement or another agency.

There are three classes of individuals and organisations that should be required to report suspected child pornography activities and offenses to law enforcement or another mandated agency:

- (4) Individuals who, in their everyday, professional capacity, come into contact with children and owe a certain duty of care to those children;
- (5) individuals who, in their everyday, professional capacity, do not come into contact with children, but may potentially be exposed to child pornography as a result of their job responsibilities; and
- (6) organizations or corporations whose services are being used to proliferate child pornography activities and who, as a result, should exercise a certain amount of industry responsibility/corporate citizenship/corporate social responsibility in their day to day business operations.

The first group is rather self-explanatory. Members include, but are not necessarily limited to healthcare and social services professionals, teachers, rectors, and law

enforcement officers. Based on daily interactions with children, these individuals may develop well-founded suspicions about potential child victims.

The second group is comprised primarily of photo developers and IT professionals, who may accidentally discover child pornography images while processing film, repairing a computer that has been brought in, or servicing a company computer in an employee's office. This class of individuals should not be required to search for the illegal material, but rather only to report to the appropriate authorities if found.

Finally, the last group consists mostly of ISPs, credit card companies, and banks. In many circumstances, law enforcement would never know about many child pornography offences if ISPs did not report (either voluntarily or under legal obligation). Given the heavy traffic in child pornography over the Internet, ISPs are in an almost ideal position to report suspected child pornography offences to law enforcement. A "notice and takedown" requirement should be enacted within national legislation, and consideration should be given to statutory protections that would allow ISPs to effectively report child pornography, including the transmission of images, to law enforcement or another designated agency.

The ability to use credit cards and other payment methods to purchase online have made it easier than ever to procure child pornography materials. Child pornography has become a multi-billion dollar commercial enterprise and is among the fastest growing businesses on the Internet. Distribution over the Internet has facilitated instant access by thousands and possibly millions of individuals throughout the world. Financial companies must be vigilant and they should be required to proactively look for and report child pornography to law enforcement or another mandated agency.

Sanctions

Address the criminal liability of children involved in pornography.

There should be no criminal liability for children involved in pornography, and such should be clearly stated in national legislation. Regardless of whether a child is a

compliant victim or a non-cooperative witness, the fact remains that he or she is a child victim.

Criminal liability must focus on the adult offender, who is responsible for the exploitation of the child, and on the crimes he or she committed against that child. Legal provisions should be enacted that would allow for protections of the child victim as a witness in any judicial proceedings that may occur, including permitting closed-circuit testimony in certain circumstances and establishing guidelines for the presence of victim advocates in the courtroom.

Enhance penalties for repeat offenders, organised crime participants, and other factors that may be considered upon sentencing.

All violations of enacted child pornography legislation should carry strict sentences that will be enforced, thereby guaranteeing a true deterrent effect. Mere fines and misdemeanor classifications are not enough. Sentencing provisions should take into account aggravating factors and enhancements. Aggravating factors may include the number of images manufactured/produced/distributed/possessed; the severity of the offender's existing criminal record; the sexual violence toward children (including rape, torture, and bondage) being depicted in the images that were manufactured/produced/distributed/possessed; and any potential threat or risk the offender may pose to the community upon release.

Assets must be forfeited.

Convicted defendants should be subject to forfeiture provisions that allow for the confiscation of property, proceeds, or assets that resulted from child pornography activities. Such funds could, in turn, be used to support programs for formerly sexually exploited children, children at risk of being sexually exploited, and child victims who are in need of special care.

Appendix E – Singapore Code of Conduct for ISPs

Foreword

1.- (1) The Broadcasting Act (Cap. 28) makes it the duty of Media Development Authority of Singapore to ensure that nothing is included in any broadcasting service which is against public interest or order, national harmony or which offends against good taste or decency. This Code of Practice has been produced by the Media Development Authority of Singapore for this purpose.

(2) All Internet Service Providers and Internet Content Providers licensed under the Broadcasting (Class Licence) Notification (N1) are required to comply with this Code of Practice. Under the Broadcasting Act, the Media Development Authority of Singapore has the power to impose sanctions, including fines, on licensees who contravene this Code of Practice.

Internet Code of Practice

2. A licensee shall use his best efforts to ensure that prohibited material is not broadcast via the Internet to users in Singapore.

Obligations under this Code

3.- (1) An Internet Access Service Provider or Reseller discharges his obligations under this Code, in relation to programmes on the World Wide Web, when he denies access to sites notified to him by the Authority as containing prohibited material, under clause 4 below.

(2) An Internet Access Service Provider or Reseller discharges his obligations under this Code, in relation to Internet Newsgroups, when it:-

(a) refrains from subscribing to any newsgroup if, in his opinion, it is likely to contain prohibited material; and

(b) unsubscribes from any newsgroups that the Authority may direct.

(3) An Internet Content Provider discharges his obligation under this Code:-

(a) in relation to private discussion for a hosted on his service (e.g. Chat groups), when the licensee chooses discussion themes which are not prohibited under the guidelines in clause 4 below;

(b) in relation to programmes on his service contributed by other persons who are invited to do so on the licensee's service for public display (e.g. bulletin boards), when the licensee denies access to any contributions that contain prohibited material that he discovers in the normal course of

exercising his editorial duties, or is informed about; and

(c) in relation to all other programmes on his service, if the licensee ensures that such programmes do not include material that would be considered to be prohibited under the guidelines in clause 4 below* .

(4) An Internet Content Provider shall deny access to material considered by the Authority to be prohibited material if directed to do so by the Authority.

(5) Paragraph (3) does not apply to any web publisher or web server administrator in respect of programmes on his service for which he has no editorial control.

Prohibited Material

4.-(1) Prohibited material is material that is objectionable on the grounds of public interest, public morality, public order, public security, national harmony, or is otherwise prohibited by applicable Singapore laws.

(2) In considering what prohibited material is, the following factors should be taken into account:-

(a) whether the material depicts nudity or genitalia in a manner calculated to titillate;

(b) whether the material promotes sexual violence or sexual activity involving coercion or non-consent of any kind;

(c) whether the material depicts a person or persons clearly engaged in explicit sexual activity;

(d) whether the material depicts a person who is, or appears to be, under 16 years of age in sexual activity, in a sexually provocative manner or in any other offensive manner;

(e) whether the material advocates homosexuality or lesbianism, or depicts or promotes incest, paedophilia, bestiality and necrophilia;

(f) whether the material depicts detailed or relished acts of extreme violence or cruelty;

(g) whether the material glorifies, incites or endorses ethnic, racial or religious hatred, strife or intolerance.

(3) A further consideration is whether the material has intrinsic medical, scientific, artistic or educational value.

(4) A licensee who is in doubt as to whether any content would be considered prohibited may refer such content to the Authority for its decision.

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List of Acronyms

BDM	-	Brigade des Mineurs
CDU	-	Child Development Unit
CERT-MU	-	Mauritius Computer Emergency Response Team
DPC	-	Data Protection Commissioner
GOC	-	Government Online Centre
IC3	-	Internet and Computing Core Certification
ICSF	-	Internet Child Safety Foundation
ICT	-	Information Communication Technology
ICTA	-	Information and Communication Technologies Authority
IT	-	Information Technology
IIA	-	Internet Industry Association
IMEI	-	International Mobile Equipment Identity
IMC	-	Internet Management Committee
ISPs	-	Internet Service Providers
MCCI	-	Mauritius Chamber of Commerce and Industry
MQA	-	Mauritius Qualification Authority
NCB	-	National Computer Board
NICTSP	-	National ICT Strategic Plan
NISS	-	National Information Security Strategy
PFPU	-	Police Family Protection Unit
UN	-	United Nations
UOM	-	University of Mauritius
UTM	-	University of Technology, Mauritius
WSIS	-	World Summit on the Information Society