COMMUNICATIONS AUTHORITY OF KENYA

Industry Guidelines

For

Child Online Protection and Safety

In

Kenya

April 2025

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

Industry Guidelines for Child Online Protection and Safety in Kenya, 2022

1. Preamble

1.1. These Guidelines may be cited as *"Industry Guidelines for Child Online Protection and Safety in Kenya, 2022"*.

1.2. These guidelines

1.2.1. Form a basis for the design, development, deployment, commissioning, use, management, sale, marketing and publicity of ICT products and services in Kenya that may be accessed and/or targeted for use by children.

1.2.2. Provides safeguards for children's access to and use of ICT products and services in Kenya

2. Interpretation

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

"Child" an individual who has not attained the age of 18 years;

"Child Online Protection and Safety" means the sum total of efforts and actions taken to ensure children are free from violence, exploitation and abuse on the internet or when using ICT products and services;

"Complaint" means any statement of dissatisfaction with the service provider made by a customer; For the purpose of these guidelines, such statements should be in relation to exposure of a child to online risks, online vulnerabilities and online crimes or their participation in proliferating online risks, vulnerabilities and online crimes not limited to Child Online Sexual Exploitation and Abuse (child pornography including exposure to child sexual abuse materials (CSAM), live streaming of child abuse, inappropriate self-generated content, sexting, sextortion, online solicitation (including grooming and human trafficking); online harassment (cyber bullying, public shamming, cyber stalking, trolling,

hate speech, intimidation, threats); cybercrimes (phishing, identity theft); radicalization (ideological persuasion, hate speech); online addiction; and other forms of exploitation.

"Customer" means any person who uses the services or purchases the products of a particular service provider or vendor, without necessarily being a subscriber to that service provider or vendor;

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

"Data protection by design" means all technical and organizational measures as provided in the Data Protection Act of 2019;

"Disability" includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual's ability to carry out ordinary day-to-day activities;

"Guardian" means an adult appointed by the court to represent the best interests of the child;

"Inappropriate content" means any content that may be potentially harmful including child sexual abuse material and content prohibited by the Kenya Information and Communications (Broadcasting) Regulations, 2009 and the Programming Code for Broadcasting Services in Kenya or any content that or infringes on the rights of a child;

"Licensee" means a natural person or legal person licensed under the Kenya Information and Communication Act 1998;

"Service Provider" means an organization that provides ICT products and services to users and customers;

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

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

"Online child sexual exploitation" means the use of the Internet as a medium to exploit children sexually;

"Vendor" means a person who carries out the business of selling, reselling or distributing ICT terminal equipment used for the provision of licensed services;

3. Abbreviations

ASP	Application Service Provider
CA	Communications Authority of Kenya
COP	Child Online Protection
CSAM	Child Sexual Abuse Material
CSP	Content Service provider
ICT	Information Communications and Technology
ITU	International Telecommunication Union
OCSE	Online Child Sexual Exploitation

4. Principles

4.1. These Guidelines are premised on the following principles:

4.1.1. *Online Children's rights and responsibilities:* Children should be allowed to exercise their rights to access to information and freedom of expression among other freedoms accorded to them by the Constitution of Kenya, 2010.Children should use ICT products and services responsibly and ensure others are not put to harm by their actions in the online space.

4.1.2. *Child Protection and Safety is everyone's responsibility:* Child protection and safeguarding is central to promoting access to online media. The society as a whole including all participants of the Internet ecosystem are responsible to safeguard children rights in the access and use of ICT products and services.

4.1.3. *Best interest of the child:* That all actions concerning children will have the best interests of the child as a primary consideration and shall be aligned to the provisions in the Children Act, 2022 and all relevant laws that protect the rights of the child.

4.1.4. *A Multi-stakeholder approach is required:* Child online protection and safety requires a multi-stakeholder approach.

4.1.5. *Commitment to online safety:* The development and deployment of mechanisms that respect children's rights and foster a safer online experience for children.

4.1.6. *Data protection and Safety by design*: This is crucial for the development of a safer internet and online experience for children.

4.1.7. *Empowered consumer*: is at the core of protection and safety in the online space.

4.1.8. *Transparency and accountability:* The need to develop and implement mechanisms that enable service providers genuinely demonstrate their commitment to creating safer online environment.

4.1.9. *Productive internet use:* The need to exponentially increase the design, development of products and services that enable children to think, create, learn, play, explore and innovate.

5. Objectives

5.1. The objectives of these Guidelines are to:

5.1.1. Foster the development of technical interventions in the market that minimize the risk of exposure of children to online risks and vulnerabilities;

5.1.2. Develop industry guidance on the identification, prevention and mitigation of adverse impacts of their products and services on children's rights;

5.1.3. Facilitate the operationalization of technical and organizational measures to promote a safer online experience for children including reporting of incidences;

5.1.4. Develop industry guidance on how to promote children's rights and responsible digital citizenship among children;

5.1.5. Facilitate the development, deployment, use and promotion of appropriate and safer products and services that target children.

6. EFFECTIVE DATE

6.1. These guidelines shall come into effect upon execution and publication by the Authority.

7. APPLICATION OF THESE GUIDELINES

7.1. These Guidelines shall apply to:

7.1.1. All licensees who hold a licence issued by the Communications Authority of Kenya under the Kenya Information and Communications, Act 1998;

7.1.2. All product and service providers in the value chain in the design, production, marketing, deployment and use of ICT products and services in Kenya;

7.1.3. All ICT products and services targeting children;

7.1.4. All licensees shall be required to implement the guidelines within six (6) months after effective date. New licensees shall implement the guidelines within six (6) months after issuance of their licence.

8. Industry Guidelines

8.1. Guidelines for implementation of Organisation measures by the ICT industry

8.1.1. Develop, publish and implement a corporate child online protection and safety policy and strategy, which at the very least details:

8.1.1.1. The commitment by the leadership of the organization in matters child online protection and safety including the governance frameworks for implementation and management of this initiatives;

8.1.1.2. The objectives of the policy and strategy;

8.1.1.3. Strategy for increase in the development of affordable, productive and appropriate products and services targeting children and the youth that include, among other things, local content and educational content for children that encourages learning, creative thinking and problem solving;

8.1.1.4. The core values and culture that promotes child online safety and protection;

8.1.1.5. The mechanism to infuse child online protection and safety issues, risks and opportunities into the design and development of ICT products and services;

8.1.1.6. Mechanisms for assessment of impact of the organization's ICT products and services to children's online experiences;

8.1.1.7. Obligation to share the organization's child online protection and safety policy and strategy with their suppliers to enhance compliance;

8.1.1.8. The mechanism that will enable the organization obtain, collate and incorporate feedback from their customers including parents, guardians and children that affect the safety design features of ICT products and services;

8.1.1.9. Mechanisms to continuously inform, educate and empower children, parents, guardians and educators on their rights and responsibilities on how they can be informed to leverage on the security and safety features in the organizations ICT products and services;

8.1.1.10. Mechanism to clearly communicate how and where to report complaints.

8.1.1.11. Align business practices with relevant legislation on marketing and advertising to children, including the Data Protection Act, 2019 and its subsidiary legislation;

8.1.1.12. Support initiatives that increase levels of digital literacy, capacity building and ICT skills among children, to enable them fully participate in the digital ecosystem and utilize ICT resources;

8.1.1.13. Develop and implement capacity building initiatives within the organization to increase levels of technical skills in online safety, cybersecurity and child online protection and safety;

8.1.1.14. Designate a focal point who shall handle Child Online Protection and Safety issues and whose roles shall include among other things the responsibility to alert, when required the appropriate authorities on incidences;

8.1.1.15. Where possible, develop and implement initiatives, in collaboration with relevant stakeholders on online behavioral issues and the impact that social behavior has on online behavior.

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

8.2.1. Put in place internal procedures to ensure compliance under local and international laws on combating Child Sexual Abuse Material. (CSAM) and local laws on data protection.

8.2.2. Develop and adopt information security practices in line with Authority's General Information Security Best Practice Guides for Kenya.

8.2.3. Develop, deploy, use and publicize technical safety and security tools and measures at the device, network and service levels that fosters safer internet experiences.

8.2.4. Develop, use and deploy safety and data protection-by-design principles.

8.2.5. Develop, use and implement age-verification mechanisms in the deployment of ICT products and services, with a view to facilitate children's right to freedom of expression and access to information.

8.2.6. Develop and publicize processes and reporting structures for inappropriate content and removal of materials that violate child online protection and safety policy by relevant parties.

8.2.7. Develop and publicize the processes for handling of complaints and enquiries on online violation of children's rights (e.g., child sexual abuse material, inappropriate content or contact, breaches of privacy etc.). The processes and procedures must, in the very least, detail the procedure to capture and submit evidence.

8.2.8. Ensure that customer terms and conditions explicitly share the company's position that misuse of its services is not allowed and it is prohibited to upload, post, transmit, store, share or make available child sexual abuse material and the consequences of any abuse.

8.2.9. Adapt and implement heightened default privacy settings for collection, processing, storage, sale and publishing of personal data.

8.2.10. Ensure that content and services that are not age-appropriate for all subscribers/customers are classified in line with the Authority's Programming Code, and any other laws of Kenya as appropriate.

8.2.11. Deliberate increase in level of transparency and accountability on content that has been blocked, removed or taken down or extent of use of technical tools and impact it has on children's right to access to information and freedom of expression.

8.2.12. Commit to supporting law enforcement agencies to the extent permissible by law, including capturing of evidence and ensure that the company will collaborate fully with the law enforcement investigations in the event that illegal content is discovered or reported.

9. Specific Guidelines on Broadcast Content and Broadcasters

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

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

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

10.2. Application service providers shall subsequently embed the organizational and technical measures to third party agreements that shall in the minimum include, mechanisms to address incidences and actions to be taken upon breach of the agreement. It is therefore expected that all communication services offered to the customers by ASPs, e.g., content services, e-commerce, application services, interactive and social media services, internet services including those offered in learning institutions, cyber cafes, public wifi, public libraries etc. especially where children may access these services, shall adhere to these guidelines and the obligations herein.

11. Specific Guidelines for Mobile Operators

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

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

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

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

12.1. In addition to the aforementioned technical and organizational measures and the Guidelines on Features and Technical Specifications for Mobile Cellular Devices Imported Into and Distributed In Kenya, 2018, manufacturers and vendors of communication devices including customer premises equipment should:

12.1.1. Avail information on how a subscriber/customer should activate built-in technical mechanisms that can be leveraged to facilitate safer internet experience;

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

13. Complaints Reporting Mechanisms

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

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

13.3. In the development of complaints management process, all ICT service providers or consumers should escalate the complaint to the Authority after exhausting the service provider's complaints mechanism or if dissatisfied with the resolution provided by the service provider.

13.4. Licensees shall submit quarterly reports on all the complaints handled in a format that shall be prescribed by the Authority.

14. Compliance to the Guidelines

14.1. Licensees shall be required to have implemented these guidelines within six (6) months after the effective date.

14.2. Licensees shall submit their child online protection policy and their reviewed complaints handling procedures to the Authority for approval.

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

14.4. All ICT service providers are encouraged to undertake self-assessment to establish level of compliance to these guidelines.

14.5. Consumers are encouraged to file a complaint with the Authority in the event that any of the operational and technical measures are not adhered to by a licensee.

15. Review of the Guidelines

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