

EVIDENCE

Strengthening Child Protection Systems

Child protection in the digital age

National responses to online child sexual abuse
and exploitation in ASEAN Member States



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ACRONYMS

| | |
|----------------------|---|
| ACWC | ASEAN Commission on Women and Children |
| APAC-FCACP | Asia-Pacific Financial Coalition Against Child Pornography |
| APLE | Action Pour Les Enfants (Cambodia) |
| ASEAN | Association of South East Asian Nations |
| ASEANPOL | Association of National Police Forces of the ASEAN Region |
| BruCERT | Brunei National Computer Emergency Response Team |
| Budapest Convention | Convention on Cybercrime CETS No.: 185: 2004 |
| CamCERT | Cambodia Computer Emergency Response Team |
| CEOP | UK National Crime Agency's CEOP Command (formerly the Child Exploitation and Online Protection Centre) |
| CERT | Computer Emergency Response Team |
| CNCC | Cambodian National Council for Children |
| COP | child online protection |
| CRC | Convention on the Rights of the Child |
| CSR | corporate social responsibility |
| CWC | Council for the Welfare of Children (the Philippines) |
| DOJ-OOC | Department of Justice Office of Cybercrime (the Philippines) |
| EAPRO | East Asia and Pacific Regional Office |
| IACACP | Inter-Agency Council Against Child Pornography (the Philippines) |
| IACAT | Inter-Agency Council Against Trafficking (the Philippines) |
| ICMEC | International Centre for Missing and Exploited Children |
| ICSC | Inter-Ministry Cyber Wellness Steering Committee (Singapore) |
| ICT | information and communication technology |
| ILO | International Labour Organization |
| ICSE database | International Child Sexual Exploitation database |
| INTERPOL | International Criminal Police Organization (also ICPO) |
| ISP | Internet service provider |
| ITU | International Telecommunications Union |
| Lanzarote Convention | Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse CETS No.: 201: 2010 |
| LaoCERT | Lao Computer Emergency Response Team |
| MDA | Media Development Authority of Singapore |
| MICT | Ministry of Information and Communication Technology (Thailand) |
| mmCERT | Myanmar Computer Emergency Response Team |
| MOLISA | Ministry of Labour, Invalids and Social Affairs (Viet Nam) |
| MoSVY | Ministry of Social Affairs, Veterans and Youth Rehabilitation (Cambodia) |
| MSF | Ministry of Social and Family Development (Singapore) |
| MWFCD | Ministry of Women, Family and Community Development (Malaysia) |
| NCMEC | National Center for Missing and Exploited Children (United States') |
| NCRC | National Committee on the Rights of the Child (Myanmar) |
| NHRI | national human rights institution |
| NGO | non-government organization |
| NPA | national plan of action |
| OP3 CRC | Optional Protocol to the Convention on the Rights of the Child on a communications procedure |
| PNP-ACG | Philippine National Police Anti-Cybercrime Group |
| SingCERT | Singapore Computer Emergency Response Team |
| SOMSWD | Senior Officials Meeting on Social Welfare and Development |
| ThaiCERT | Thailand Computer Emergency Response Team |
| Trafficking Protocol | Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime |
| UK | United Kingdom |
| VNCERT | Vietnam Computer Emergency Response Team |

FOREWORD



We are living in an incredible era. The fast pace of change in information and communication technologies is facilitating unprecedented opportunities for many girls and boys to achieve their rights to learn, express themselves and participate meaningfully in their communities. This rapid development is occurring across the globe, including in South East Asia.

However, in this fast race, children's rights are frequently overlooked or compromised. Crimes against children, including sexual abuse and exploitation, are often induced or facilitated by these very technologies that are meant to offer benefits to the communities and their individual components. True, since the early days of the Internet, States recognized the risk of harm against children and, through the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, gave effect to international legislation banning online child sexual abuse material.

In spite of extensive international efforts over the last two decades, we still face new challenges in combating online child sexual abuse and exploitation. Mass use of the Internet and new technologies have amplified the production and circulation of illegal child sexual abuse materials and have increased the incidence of grooming for sexual abuse and the conduct of other forms of exploitation, including live streaming of child sexual abuse.

Since taking up my appointment as Special Rapporteur in June 2014, I have recommended that States adopt a holistic approach to effectively combat the sale and sexual exploitation of children facilitated through new technologies. This involves promoting the design and implementation of comprehensive child protection strategies which encompass adequate legislation, detection and reporting, prosecution of offenders, rehabilitation and reintegration of victims, prevention and protection programmes with the participation of children, active involvement of the business sector, and effective international cooperation. I have been heartened by good examples of effective international cooperation, including, most recently, the #WePROTECT Children Online initiative, which was launched by the United Kingdom in December 2014. Now, over 50 countries are now involved, including five from South East Asia.

This report provides a very useful benchmark of Association of South East Asian Nations (ASEAN) Member States' current efforts to effectively and comprehensively address child sexual abuse and exploitation, both online and offline. The report uses the framework of the #WePROTECT Model National Response and documents many promising examples across the region. It also highlights areas for further attention to put an end to persisting and evolving forms of sale and sexual exploitation of children. To this end, I commend ASEAN's inclusion of preventive measures against online violence as a priority action in its recently adopted Regional Plan of Action on the Elimination of Violence against Children, and encourage its continued commitment to develop and implement comprehensive strategies to better protect children.

A handwritten signature in black ink, appearing to read 'Maud de Boer-Buquicchio'.

Maud de Boer-Buquicchio
Special Rapporteur on the sale of children,
child prostitution and child pornography

PREFACE

All girls and boys have the right to survive, grow and to be protected from violence, exploitation and abuse in all settings. This includes online and offline environments.

It is a sad reality, however, that violence against children continues to persist in all countries around the world. The East Asia and the Pacific region is not immune. UNICEF's 2012 systematic review of research found that around one quarter to one third of children were affected by violence, abuse and exploitation.

Data on the prevalence of violence against children facilitated through information and communication technologies is not available. However, the relative vulnerability of some girls and boys in the region, combined with rapidly increasing connectivity, has seen some locations profiled as 'hotspots' for cases of online child sexual abuse and exploitation.

There is continued momentum to eliminate violence against children in the region. In 2013, ASEAN leaders adopted the Declaration on the Elimination of Violence against Women and the Elimination of Violence against Children. In late 2015, ASEAN's Regional Plan of Action on the Elimination of Violence against Children was approved. The Regional Plan of Action includes the development of preventive measures against online violence as a priority action. Sustainable Development Goals, specifically target 16.2, call upon Member States to end violence against children.

With support from the Government of the United Kingdom, UNICEF and partners have set up the Global Programme to Build Capacity to Tackle Online Child Sexual Exploitation. The Programme accelerates efforts by governments, civil society, industry and United Nations agencies so that children are protected from online sexual exploitation. This includes ensuring that perpetrators are apprehended and prosecuted in order for children to use the Internet free from danger. As part of the Global Programme and to contribute to ASEAN's Regional Plan of Action on the Elimination of Violence against Children, UNICEF has undertaken this mapping of existing frameworks, legislation and programmes relating to the protection of children from online child sexual abuse and exploitation in the 10 ASEAN Member States. The mapping provides an overview of current efforts from which gaps and opportunities may be identified to better prevent and respond to online child sexual abuse and exploitation.

UNICEF is committed to assisting ASEAN in its resolve to eliminate all forms of violence against women and children in all settings, including online.



Daniel Toole
Regional Director
UNICEF East Asia and the Pacific

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This report was authored by Afroz Kaviani Johnson, Child Protection Consultant in the UNICEF East Asia and the Pacific Regional Office (EAPRO).

The support of the Government of the United Kingdom is acknowledged in making funds available to UNICEF and partners to strengthen efforts to address online child sexual abuse and exploitation. The report benefited from extensive comments provided by ASEAN Member States and in particular members of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) and the Senior Officials Meeting on Social Welfare and Development (SOMSWD).

Thanks are also extended to my child protection colleagues in UNICEF country offices for their valuable inputs and to my colleagues in EAPRO, Grace Agcaoili and Natcha Chitanthararuk, for their efforts in supporting finalization and publication of the report.

The important comments provided by ECPAT International on the report are acknowledged, as is the support and collaboration of members of the Regional Interagency Working Group on Child Protection to address this growing concern.

With this report providing a stock take of current efforts, I take this opportunity to commend ASEAN Member States in their efforts to date and encourage them in their continued work in addressing persisting and new forms of violence against children in all settings.



Stephen Blight

Regional Advisor for Child Protection
UNICEF East Asia and the Pacific

INTRODUCTION

Background

As part of the Global Programme to Build Capacity to Tackle Online Child Sexual Exploitation, UNICEF EAPRO is supporting regional networks and multi-country efforts to strengthen children's protection from online sexual abuse and exploitation. This involves engaging and supporting ASEAN Member States to address online violence within the framework of the ASEAN Regional Plan of Action on Elimination of Violence against Children. The recently adopted ASEAN Regional Plan of Action on the Elimination of Violence against Children includes the development of preventive measures against violence in cyberspace as a priority action. To contribute to this, UNICEF has undertaken a mapping of existing frameworks, legislation and programmes relating to the protection of children from online child sexual abuse and exploitation in the 10 ASEAN Member States. In selected countries, UNICEF is supporting national round table discussions, bringing together representatives of government, the private sector and civil society in an effort to catalyse multi-sectoral approaches and collaboration.

Objective

The objective of the mapping is to provide a snapshot of the existing frameworks, legislation and programmes relating to the protection of children from online child sexual abuse and exploitation in the 10 ASEAN Member States. The mapping is not intended to assess and critique countries' progress, but rather to serve as a document for relevant stakeholders to enable reflection and discussion on the existing situation, and allow identification of gaps and opportunities to prevent and respond to online child sexual abuse and exploitation. It may also draw attention to promising programmes or developments that may be used for learning, scaling up and/or replication.

Methodology and limitations

The mapping primarily relies on a desk review of documents. Given the rapid changes in information and communication technology (ICT) and related legislation, policies and programmes, documents reviewed were largely limited to those drafted within the last five years. The desk review was restricted to documents in English and primarily to open-source information available online, which limited the information available for review. For example, it was not possible to access all statutory instruments nor judicial decisions or rules of procedure. Without undertaking primary research in each country, it was not possible to verify the continuation or effectiveness of the documented programmes. As such, this report does not purport to be comprehensive and is intended to provide a brief overview of the current situation as of May 2016 based on available information to promote reflection and discussion at regional and country levels.

The desk review was undertaken over a two-month period in 2015 and shared with UNICEF country offices to confirm, verify and update initial findings. A draft report was subsequently shared with the ACWC, SOMSWD and ECPAT International, as well as UNICEF country offices, for review and inputs. Findings were also presented for comment at ACWC meetings in February 2016 (Jakarta, Indonesia) and May 2016 (Manila, the Philippines) and the Regional Interagency Working Group on Child Protection meeting in March 2016 (Bangkok, Thailand) before publication.

Structure of the report

This report uses the framework of the #WePROTECT Model National Response as a structure for the mapping. #WePROTECT is an initiative created by the Government of the United Kingdom (UK) and supported by other national governments, leading technology companies, the International Criminal Police Organization (INTERPOL), United Nations agencies and civil society organizations to stop online child sexual abuse and exploitation globally. The Model National Response was commissioned by the #WePROTECT International Advisory Board and builds on many years of work by experts and practitioners. It calls for close collaboration between national criminal justice systems (including law enforcement agencies), frontline social services and the education sector, along with ICT companies. The Model National Response elaborates on the capabilities that a country needs to have in place to address online child sexual abuse and exploitation, including preventing child sexual abuse and exploitation, and safeguarding the victims of this abuse. In the Model National Response, these capabilities fall under six key domains: policy and governance, criminal justice, victim, societal, industry, and media and communications. Each domain includes from two to four components, with twenty-one components in total. The full version of the Model National Response is included as Annex 1. A summary version is included in Table 1.

Within these domains, the report indicates where available information suggests there is some progress in a particular component. A colour-coded system is used to provide the reader with a quick snapshot of the current status. Promising examples in the region that may be investigated for scaling up or replication in other countries are highlighted with an asterisk.

Table 1: Summary of capabilities in #WePROTECT Model National Response

| Domains | Components |
|---|---|
|  | 1. Leadership: An accountable National Governance and Oversight Committee |
| | 2. Research, analysis and monitoring: National situational analysis of child sexual abuse and exploitation risk and responses; measurements/ indicators |
| | 3. Legislation: Comprehensive and effective legal framework to investigate offenders and ensure protection for victims |
|  | 4. Dedicated law enforcement: National remit; trained officers; proactive and reactive investigations; victim-focused; international cooperation |
| | 5. Judiciary and prosecutors: Trained; victim-focused |
| | 6. Offender management process: Prevent re-offending of those in the criminal justice system nationally and internationally |
| | 7. Access to image databases: National database; link to INTERPOL database |

| Domains | Components |
|---|---|
|  | <p>8. End-to-end support: Integrated services provided during investigation, prosecution and after-care</p> <p>9. Child protection workforce: Trained, coordinated and available to provide victim support</p> <p>10. Compensation, remedies and complaints arrangements: Accessible procedures</p> <p>11. Child helpline: Victim reporting and support; referrals to services for ongoing assistance</p> |
|  | <p>12. Reporting hotline: Public and industry reporting for child sexual abuse and exploitation offences – online and offline; link to law enforcement and child protection systems</p> <p>13. Education programme: For children and young people; parents/carers; teachers; practitioners; faith representatives</p> <p>14. Child participation: Children and young people have a voice in the development of policy and practice</p> <p>15. Offender support systems: Medical, psychological, self-help, awareness or other systems</p> |
|  | <p>16. Notice and takedown procedures: Local removal and blocking of online child sexual abuse and exploitation content</p> <p>17. Child sexual abuse and exploitation reporting: Statutory protections that allow industry to fully and effectively report child sexual abuse and exploitation, including the transmission of content to law enforcement or another designated agency</p> <p>18. Innovative solution development: Industry engagement to help address local child sexual abuse and exploitation issues</p> <p>19. Corporate social responsibility: Effective child-focused programme</p> |
|  | <p>20. Ethical and informed media reporting: Enable awareness and accurate understanding of problem</p> <p>21. Universal terminology: Guidelines and application</p> |



REGIONAL OVERVIEW



POLICY AND GOVERNANCE

Leadership

The #WePROTECT Model National Response recommends an accountable National Governance and Oversight Committee to prevent and respond to child sexual abuse and exploitation. In most ASEAN Member States, the Ministry of Social Affairs or its equivalent is the designated national lead for child protection. Inter-agency committees have been established in a number of countries to coordinate and oversee efforts to address child sexual exploitation and trafficking in persons. In some countries, there are concerns about duplication and a lack of coordination amongst relevant bodies. In the Philippines, where various inter-agency bodies have been created through legislation with separate plans and budgets to implement and monitor child protection, a Convergence of Councils and Committees for Child Protection has been formed to mitigate concerns of duplication. Brunei Darussalam and Malaysia are the only countries in the region to establish national multi-sectoral bodies to attempt to specifically and comprehensively address child online protection (COP).

Promising example

National 'Child Online Protection' bodies: Brunei Darussalam and Malaysia

Brunei Darussalam has established a Child Online Protection (COP) Framework, which was handed over to the Ministry of Culture, Youth and Sports in March 2014. A COP Committee has also been established under the Ministry of Culture, Youth and Sports, constituting the key COP Framework stakeholders, including the Ministry of Finance, Ministry of Health, Ministry of Communications, Ministry of Education, Ministry of Religious Affairs, Internal Security Department, Attorney General's Chambers, Royal Brunei Police Force, E-Government National Centre, Authority of Info-communications Technology Industry of Brunei Darussalam, Brunei's ASEAN Commissioner for Children, Brunei Computer Emergency Response Team, and Internet Service Providers (ISPs).

In February 2015, Malaysia similarly approved a Plan of Action on COP. Among the lead ministries are the Ministry for Women, Family and Community Development; Ministry of Science, Technology and Innovation; Ministry of Education; Ministry of Urban Wellbeing, Housing and Local Government and Ministry of Home Affairs; Malaysian Communications and Multimedia Commission, along with the Malaysian Royal Police; Attorney-General's Chamber; Department of Social Welfare and National Population and Family Development Board.

Table 2: Relevant national governance and oversight bodies

| | National leads and multi-agency bodies on child protection, child sexual abuse and exploitation, and/or child online protection |
|--------------------------|--|
| Brunei Darussalam | <ul style="list-style-type: none"> • Ministry of Culture, Youth and Sports – Department of Community Development • Child Online Protection Committee under the Ministry of Culture, Youth and Sports – constituting relevant ministries, agencies and ISPs |
| Cambodia | <ul style="list-style-type: none"> • Ministry of Social Affairs, Veterans and Youth Rehabilitation – child protection cuts across several departments • Ministry of Women Affairs – leads the development of the Costed Action Plan to Prevent and Respond to Violence against Children • Cambodia National Council for Children • National Committee for Counter Trafficking – some overlapping coordinating functions with Cambodian National Council for Children • National Multi-Sector Task Force for Orphans and Vulnerable Children |
| Indonesia | <ul style="list-style-type: none"> • Ministry of Social Affairs and the Ministry of Women’s Empowerment and Child Protection have distinct roles in relation to child protection • Ministry of Human Development and Culture coordinates the National Task Force on Anti-Trafficking in Persons |
| Lao PDR | <ul style="list-style-type: none"> • National Commission for Mothers and Children |
| Malaysia | <ul style="list-style-type: none"> • Ministry of Women, Family and Community Development – primarily through the Child Division of the Department of Social Welfare • Coordinating Council for the Protection of Children – chaired by the Director General of Social Welfare and includes relevant ministries and agencies • Child Online Protection Task Force – constituting relevant ministries and civil society |
| Myanmar | <ul style="list-style-type: none"> • Ministry of Social Welfare, Relief and Resettlement – primarily through the Department of Social Welfare • National Committee on the Rights of the Child |
| Philippines | <ul style="list-style-type: none"> • Council for the Welfare of Children (CWC) • Convergence of Council and Committees for Child Protection – includes representatives from the CWC, Inter-Agency Council against Child Pornography, Interagency Council against Trafficking, Committee for the Special Protection of Children and Office of Cybercrime of the Department of Justice |
| Singapore | <ul style="list-style-type: none"> • Ministry of Social and Family Development • Ministry of Home Affairs • Inter-Ministry Working Group on Child Protection • Singapore Inter-Agency Taskforce on Trafficking in Persons |
| Thailand | <ul style="list-style-type: none"> • Ministry of Social Development and Human Security – Department of Children and Youth • Several committees – Sub-Committee on Child Rights, National Sub-Committee to Combat Trafficking in Children and Women and National Child Protection Committee |
| Viet Nam | <ul style="list-style-type: none"> • Ministry of Labour, Invalids and Social Affairs |

In each country, there are a number of overarching programmes and policies that relate to child sexual abuse and exploitation. In Indonesia, child protection has been included as a strategic priority in the National Medium-Term Development Plan (2015-2019). Some countries, such as Malaysia, the Philippines and Viet Nam, have an overarching policy on children as well as a comprehensive plan on child protection. In Viet Nam, the Ministry of Labour, Invalids and Social Affairs tabled a draft national plan on COP in late 2015. National plans of action to prevent violence have been introduced in Indonesia and Lao PDR. In many countries, the Committee on the Rights of the Child has raised concerns about the lack of adequate resources allocated to support interventions and activities under respective plans and the absence of monitoring mechanisms to assess implementation and impact.

Table 3: Relevant current national programmes

| | National programme on child protection, violence against children, child sexual abuse and exploitation and/or child online protection |
|--------------------------|--|
| Brunei Darussalam | <ul style="list-style-type: none"> • Child Online Protection Framework (2014) |
| Cambodia | <ul style="list-style-type: none"> • National Action Plan for Child Development (2016-2018) • National Plan on Counter Trafficking in Persons (2014-2018) • National Strategic Plan on the Support, Care and Protection of Orphans and Vulnerable Children (2013-2018) • (Draft) Sub-decree on Child Protection and Code of Conduct • Costed Action Plan to Prevent and Respond to Violence Against Children (currently in final stages of development) |
| Indonesia | <ul style="list-style-type: none"> • National Medium-Term Development Plan (2015-2019) – includes addressing violence against children • Presidential Instruction No. 5 in Year 2014 on National Movement on Anti-Sexual Crime against Children • National Strategy to Eliminate Violence in Childhood (2016-2020) |
| Lao PDR | <ul style="list-style-type: none"> • National Plan of Action on the Prevention and Elimination of Violence against Women and Violence against Children in Lao PDR (2014-2020) |
| Malaysia | <ul style="list-style-type: none"> • National Policy on Children and its Plan of Action (2009-2015) • National Child Protection Policy and its Plan of Action (2009-2015) • Plan of Action on Child Online Protection |
| Myanmar | <ul style="list-style-type: none"> • National Plan for Children (2006-2015) |
| Philippines | <ul style="list-style-type: none"> • National Strategic Framework for Plan Development for Children (2000-2025) and National Plan of Action (2011-2016) • Comprehensive Plan on Child Protection (2012-2016) |
| Singapore | <ul style="list-style-type: none"> • No overall policy to guide programme development – various sectoral strategies concerning children |
| Thailand | <ul style="list-style-type: none"> • No overall policy to guide programme development – various plans and agendas concerning children including: <ul style="list-style-type: none"> • Strategy and Plan for Protection and Solution of Violence against Children and Youth (2015-2021) • Strategy to promote Media Literacy for Children and Youth (currently in process of development) |
| Viet Nam | <ul style="list-style-type: none"> • National Programme of Action for Children (2011-2020) • National Programme on Child Protection (2011-2015) • National Plan of Action on Counter Human Trafficking (2016-2020) • (Proposed) National Plan on Child Online Protection (2016-2020) |

Research, analysis and monitoring

The #WePROTECT Model National Response recommends a national situational analysis of child sexual abuse and exploitation risks and responses, as well as measurements and indicators on actions. Except for a 2011 study into commercial sexual exploitation in selected provinces and cities in Viet Nam, there have not yet been any other national situational analyses of child sexual abuse and exploitation risks and responses in the region. The lack of data on the extent and forms of child sexual abuse and exploitation has been noted by the Committee on the Rights of the Child in several of its Concluding Observations and the Committee has recommended that a number of State parties in the region undertake such a national study. Cambodia and Indonesia undertook national prevalence studies on violence against children in 2013, providing data on all forms of violence against girls and boys. Lao PDR and the Philippines undertook national prevalence studies on violence against children in 2014 and 2015 respectively.

In relation to cybersafety, Malaysia undertakes an annual CyberSAFE in Schools National Survey to provide insights into the extent of exposure to online risks and harm. In the Philippines, UNICEF has commissioned the University of the Philippines Manila, National Institute of Health to localize and implement the EU Kids Online Survey which aims to provide an overview of children's online access, use, risk, coping and safety awareness in pilot areas. UNICEF is also supporting the Philippines to undertake a comprehensive study on the scope and trends of online child abuse and exploitation. This will be the first of its kind in the region.

Legislation

International commitments: All ASEAN Member States are State parties to the Convention on the Rights of the Child (CRC), although Brunei Darussalam, Malaysia, Singapore and Thailand maintain reservations and/or declarations. Except for Singapore, all ASEAN Member States are State parties to the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography. Thailand is the only country in the region to have ratified the Optional Protocol to the CRC on a communications procedure (OP3 CRC). Except for Brunei Darussalam, all countries are State parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking Protocol). All ASEAN Member States are State parties to the International Labour Organization (ILO) Worst Forms of Child Labour Convention. Details on the status of ratification for each country are included in Annex 2. A summary is included in Table 4.

The Philippines is the only country in the region that is currently considering ratification of the Council of Europe Convention on Cybercrime (Budapest Convention) and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). Though not legally binding, the global adoption of the Sustainable Development Goals, especially target 16.2 to end abuse, exploitation, trafficking and all forms of violence and torture against children is significant. At a regional level, the adoption of the ASEAN Declaration on the Elimination of Violence against Women and the Elimination of Violence against Children in 2013, and the recently approved ASEAN Regional Plan of Action on the Elimination of Violence against Children is important.

Table 4: Status of ratification of key international instruments

| | CRC | Optional Protocol to the CRC on the sale of children, child prostitution and child pornography | Optional Protocol to the CRC on a communications procedure (OP3 CRC) | ILO Worst Forms of Child Labour Convention | Trafficking Protocol |
|--------------------------|--|---|---|---|-----------------------------|
| Brunei Darussalam | Yes – with reservations | Yes | No | Yes | No |
| Cambodia | Yes | Yes | No | Yes | Yes |
| Indonesia | Yes | Yes | No | Yes | Yes |
| Lao PDR | Yes | Yes | No | Yes | Yes |
| Malaysia | Yes – with reservations | Yes – with declarations | No | Yes | Yes |
| Myanmar | Yes | Yes | No | Yes | Yes |
| Philippines | Yes | Yes | No | Yes | Yes |
| Singapore | Yes – with reservations and declarations | No | No | Yes | Yes |
| Thailand | Yes – with a reservation | Yes | Yes | Yes | Yes |
| Viet Nam | Yes | Yes | No | Yes | Yes |

Promising example**Legislation: Brunei Darussalam**

Brunei's Penal Code Amendment Order 2012 has significantly strengthened the country's legislation in relation to online child abuse and exploitation, making it among the most comprehensive and up-to-date codes in the region. The law now criminalizes:

- possession of an indecent or obscene photograph (or pseudo-photograph) of a child;
- taking, distributing, showing, advertising, and accessing indecent or obscene photographs (or pseudo-photographs);
- sexual acts in the presence of a person under 16 years old;
- causing a person under 16 years old to watch a sexual act;
- commercial sex with a person under 18 years old, both inside and outside Brunei Darussalam; and
- sexual grooming of a person under 16 years old.

Domestic legislation: There are numerous laws that relate to child sexual abuse and exploitation in each ASEAN Member State. An exhaustive analysis of these laws is beyond the scope of this report.¹ Instead, this section highlights key provisions related to the online environment, especially online ‘child pornography’ or child abuse materials.² The Optional Protocol to the CRC on the sale of children, child prostitution and child pornography requires State parties to criminalize the production, distribution, importation, exportation, offer, sale and possession of ‘child pornography’. The ILO Worst Forms of Child Labour Convention calls for the introduction of legislation to prohibit the use of children under 18 years of age in ‘pornography’. All countries in the region have legislation criminalizing ‘child pornography’, however the strength of the provisions, including the adequacy of penalties, varies.

Brunei Darussalam, Cambodia, the Philippines and Thailand include a clear definition of ‘child pornography’. Few countries criminalize all acts of producing; offering, supplying or making available; knowingly accessing; distributing, disseminating or transmitting; procuring; and acquiring or possessing child abuse materials. Half of ASEAN Member States (Brunei Darussalam, Indonesia, the Philippines, Singapore and Thailand) make simple possession (i.e. knowing possession regardless of the intent to distribute) of child abuse materials an offence. Except for in the Philippines, ISPs do not have a legal obligation to report child abuse materials discovered on their networks. Sexual ‘grooming’ of children is criminalized in Brunei Darussalam (though only for children under 16 years of age) and in the Philippines, where it expressly includes ‘through online means.’ It may be that abusers could be prosecuted under provisions relating to ‘attempts’ to commit crimes, ‘incitement’ to commit crimes and ‘conspiracy’ to commit crimes under some countries’ existing national laws. The Philippines and Singapore have legislation expressly relating to cyberbullying. Viet Nam’s new Penal Code includes penalties for humiliating a person and/or slander, both of which carry an aggravated penalty if committed through ICT.³

Promising example

Legislation: Philippines

The Philippines is currently considering ratification of the Council of Europe Convention on Cybercrime (Budapest Convention) and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention).

The Philippines’ domestic legislation includes a clear definition of ‘child pornography’ and the law mandates ISPs to report child abuse materials discovered on their networks. The Philippines has additional legislation relating to cyberbullying.

¹ Readers are referred to UNICEF, “Legal Protection from Violence: Analysis of domestic laws related to violence against Children in ASEAN Member States,” UNICEF EAPRO, Bangkok, 2015, which reviews national legislation on child protection in light of international legal standards. As noted in the report limitations, rules of procedure, secondary legislation and judicial decisions were not reviewed, which may impact implementation of these laws.

² In this document, ‘child pornography’ will be used only when the term is used by the source. Although the term ‘child pornography’ is used in the majority of legal instruments, there is a global move towards language which better reflects the content of what is being depicted such as ‘child abuse images’, ‘child sexual abuse material’ and ‘documented child sexual abuse.’ As explained by INTERPOL, “Pornography is a term used for adults engaging in consensual sexual acts distributed (mostly) legally to the general public for their sexual pleasure.” Therefore, “A sexual image of a child is ‘abuse’ or ‘exploitation’ and should never be described as ‘pornography.’” These images “involve children who cannot and would not consent and who are victims of a crime. The child abuse images are documented evidence of a crime in progress – a child being sexually abused.” <http://www.interpol.int/Crime-areas/Crimes-against-children/Appropriate-terminology>, last accessed 11 April 2016.

³ In accordance with revisions to come into effect on 1 July 2016.

Table 5: Summary of domestic laws relating to online child sexual abuse and exploitation

| | Expressly criminalizes 'child pornography' | Clear definition of 'child pornography' | Criminalizes simple possession | Reporting obligation for ISPs | Criminalizes sexual grooming |
|--------------------------|---|---|---|--------------------------------------|-------------------------------------|
| Brunei Darussalam | Yes – Penal Code | Yes – Penal Code | Yes – Penal Code | No | Yes – Penal Code ⁴ |
| Cambodia | Yes – Law on Suppression of Human Trafficking and Sexual Exploitation | Yes – Law on Suppression of Human Trafficking and Sexual Exploitation | No | No | No |
| Indonesia | Yes – Law concerning Pornography and Law concerning Electronic Information and Technology | No | Yes – Law concerning Pornography and Law concerning Electronic Information and Technology | No | No |
| Lao PDR | Yes – Law on the Protection of Rights and Interests of Children and Law on Preventing and Combating Violence against Women and Children | No | No | No | No |
| Malaysia | Yes – Child Act ⁵ | No | No | No | No |
| Myanmar | Yes – Child Law ⁶ | No | No ⁷ | No | No |
| Philippines | Yes – Anti-Child Pornography Act | Yes – Anti-Child Pornography Act | Yes – Anti-Child Pornography Act | Yes – Anti-Child Pornography Act | Yes – Anti-Child Pornography Act |
| Singapore | Yes – Films Act and Undesirable Publications Act ⁸ | No | Yes – Films Act and Undesirable Publications Act | No | Yes – Penal Code |
| Thailand | Yes – Child Protection Act ⁹ and Penal Code | Yes – Penal Code | Yes – Penal Code | No | No |
| Viet Nam | Yes – Penal Code ¹⁰ | No | No | No | No |

⁴ The offence is limited to the sexual grooming of children under 16 years of age.

⁵ Offenders are limited to a person, who is in charge or taking care of a child, who abuses or permits a child to be sexually abused, which is defined as including participation in any 'pornographic, obscene or indecent material'.

⁶ The offence is limited to the use of a child in 'pornographic cinema, video, television and photography', and child is defined as a person under 16 years of age.

⁷ The Penal Code criminalizes possession of 'obscene objects', not specifically 'child pornography'.

⁸ The offence only relates to children under 16 years of age.

⁹ The offence only relates to the abuse of children, not other acts such as distribution or possession.

¹⁰ In accordance with revisions to come into effect on 1 July 2016.



CRIMINAL JUSTICE

Dedicated law enforcement

The #WePROTECT Model National Response recommends dedicated law enforcement with national remit, constituting trained officers who can undertake proactive and reactive victim-focused investigations and cooperate internationally. Most ASEAN Member States have units dedicated to crimes against children. In Brunei Darussalam, Indonesia, the Philippines and Thailand, these units are also mandated to investigate crimes against women. Malaysia has a specialist unit dedicated to sex crimes against children. A unit dedicated to cybersex crimes against children has also been established in Malaysia. In Lao PDR, Myanmar and Viet Nam, crimes against children usually fall under the remit of anti-trafficking police. A number of countries have established cybercrime units, and the units in the Philippines, Singapore and Thailand explicitly include investigating online child abuse and exploitation as a priority. In Viet Nam, the High-Tech Police Department was mandated to conduct surveillance and initial investigative activities in relation to online child exploitation pursuant to a new law that will come into effect on 1 July 2016. Cambodia is reportedly exploring the possibility of establishing a Transnational Crime Task Force to oversee the investigation and prosecution of transnational crimes, including online child sexual abuse and exploitation. In some countries, the Committee on the Rights of the Child has observed that law enforcement authorities lack the capacity to apply child-sensitive investigation procedures or do not systematically do so.

Table 6: Relevant police units for investigating crimes against children

| | Responsibility to investigate sex crimes against children | Cybercrime unit with mandate to investigate online child sexual abuse and exploitation |
|--------------------------|---|--|
| Brunei Darussalam | Women and Children Abuse Investigation Unit within Criminal Investigation Department | Unknown if Commercial Crime Division (which is trained to combat cybercrime) includes crimes against children |
| Cambodia | Anti-Human Trafficking and Juvenile Protection Unit | Information and Technology Office under Anti-Human Trafficking and Juvenile Protection Unit |
| Indonesia | Women and Children Service Units | Unknown if Cybercrime Units include crimes against children |
| Lao PDR | Anti-Human Trafficking Department | - |
| Malaysia | Sexual Crime and Children Division | Child Cybersex Crime Unit |
| Myanmar | Anti-Trafficking Task Force | - |
| Philippines | Philippine National Police Women and Children Protection Center | Philippine National Police – Anti-Cybercrime Group, and National Bureau of Investigation – Cybercrime Division |
| Singapore | Specialized Crime Branch, Serious Sexual Crimes Branch, or Violence against Persons Specialist Teams at respective land divisions, depending on the specific offence involved | Cybercrime Command established in 2015, which includes crimes against children |

| | Responsibility to investigate sex crimes against children | Cybercrime unit with mandate to investigate online child sexual abuse and exploitation |
|-----------------|---|---|
| Thailand | Royal Thai Police – Crimes against Children, Juveniles and Women Suppression Division | Royal Thai Police – High-Tech Crime Suppression Unit, which includes the investigation of child ‘pornography’, and the Department of Special Investigations, Bureau of Technology and Cybercrime, which includes cases involving organized crime |
| Viet Nam | Criminal Investigation Police Department – Anti-Human Trafficking Crime Section | Criminal Investigation Police Department Anti-Human Trafficking Crime Section and the High-Tech Police Department was mandated to conduct surveillance and initial investigative activities in relation to online child sexual abuse and exploitation pursuant to a new law that will come into effect on 1 July 2016 |

International collaboration: Police units in the region are involved in international cooperation through INTERPOL and ASEANPOL channels (with 10 Member States and dialogue countries such as China, the Republic of Korea and Japan) and through foreign law enforcement liaison officers based in the region. The Philippines is linked to the Virtual Private Network of the National Center for Missing and Exploited Children (NCMEC). The Department of Justice Office of Cybercrime is notified when NCMEC receives a report that has a Philippines nexus through its CyberTipline. The Indonesian National Police is the first police force from the region to join the Virtual Global Taskforce. Cambodia, the Philippines and Thailand are members of the Global Alliance against Child Sexual Abuse Online – a joint initiative by the European Union and the United States – and Cambodia, Indonesia, the Philippines, Thailand and Viet Nam endorsed the #WePROTECT Child Online Summit Statement of Action in London. Except for Thailand, the same countries agreed to the Statement of Action at the second #WePROTECT Summit in Abu Dhabi in November 2015.¹¹ The Global Alliance and #WePROTECT initiatives merged in March 2016.¹²

¹¹ Thailand attended the Abu Dhabi summit however it is not listed as one of the countries agreeing to the Statement of Action: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484757/FINAL_Country_SOA_111215.pdf, last accessed 4 March 2016.

¹² Government of UK, “Press release, WePROTECT: fighting online child sexual exploitation”, 23 March 2016, <https://www.gov.uk/government/news/weprotect-fighting-online-child-sexual-exploitation>, last accessed 7 April 2016.

Table 7: Summary of participation in international law enforcement initiatives concerning online child sexual exploitation

| | Global Alliance | #WePROTECT London | #WePROTECT Abu Dhabi |
|--------------------------|------------------------|------------------------------|---------------------------------|
| Brunei Darussalam | No | No | No |
| Cambodia | Yes | Yes | Yes |
| Indonesia | No | Yes | Yes |
| Lao PDR | No | No | No |
| Malaysia | No | No | No |
| Myanmar | No | No | No |
| Philippines | Yes | Yes | Yes |
| Singapore | No | No | No |
| Thailand | Yes | Yes | Yes ¹³ |
| Viet Nam | No | Yes | Yes |

Judiciary and prosecutors

The capacity of judiciary and prosecutors to conduct child-sensitive proceedings in cases of child sexual abuse and exploitation varies from country to country. Many countries have introduced special measures for court proceedings involving child victims and witnesses, however the implementation of such procedures is limited. In many countries, there are insufficient numbers of justice professionals that have been trained in how to effectively handle cases involving children. In some countries, the Committee on the Rights of the Child has observed that there remains heavy reliance on child victims to prosecute crimes, which can result in non-reporting of cases, withdrawal of complaints and retraction of statements. Across the region, the Committee has also noted low rates of prosecutions and convictions for offences. In some locations, efforts to investigate and prosecute offenders are impeded by out-of-court settlements at the village level.

Offender management process

The #WePROTECT Model National Response recommends an offender management process to prevent re-offences by those in the criminal justice system both nationally and internationally. There is little information available about sex offender management processes in the region. The Singapore Prison Service administers a sex offender intervention programme that seeks to reduce re-offences and enhance self-management of sex offending behaviour. In Singapore, the Ministry of Education and relevant agencies reportedly work with police to ensure persons convicted of selected offences cannot be employed in certain vocations which would put children at risk. Amendments to Malaysia's Child Act 2001, expected to come into force in 2017, include the development of a registry of persons convicted of crimes against children. This will enable potential employers to screen people who want to work with children. Under Cambodian legislation, an additional discretionary penalty of a ban on stay for foreign perpetrators is available. There do not appear to be any conditions of supervision for offenders, post-incarceration, in any country in the region.

¹³ Refer to footnote 11 on previous page.

Access to image databases

Cambodia has reported contributing images to INTERPOL's International Child Sexual Exploitation (ICSE) image database.¹⁴ The Philippines Office of Cybercrime was introduced to the ICSE database in May 2014 and is currently securing its systems in order to gain access. Singapore has access through the National Central Bureau for Singapore. No country in the region appears to have a national child abuse image database.

Promising example

'CyberTipline' international collaboration: Philippines

In April 2014, the Philippines' Office of Cybercrime was provided access to the Virtual Private Network of the National Center for Missing and Exploited Children (NCMEC), and was designated as its point-of-contact for the Philippines. The Office is notified when NCMEC receives a report that has a Philippine nexus through its CyberTipline. The CyberTipline is operated in partnership with the US Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement, US Postal Inspection Service, US Secret Service, military criminal investigative organizations, US Department of Justice, Internet Crimes Against Children Task Force programme, as well as other state and local law enforcement agencies. Reports to the CyberTipline are made by the public and ISPs, which are required by United States' law to report apparent child abuse content to law enforcement via the CyberTipline.



VICTIM

End-to-end support

In most ASEAN Member States, there are legislative or policy provisions that set out the comprehensive support that child victims should receive during investigations, prosecutions and after-care. In practice, however, the Committee on the Rights of the Child has observed that not all child victims and/or witnesses of crime are provided with the protection required by the CRC and the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime. In some countries, identification and protection of child victims is hampered by ineffective coordination mechanisms between police, court officials and government agencies. Some children that are sexually exploited are reportedly not treated as victims in a number of countries. In some countries, there are no State-run programmes providing psycho-social services or shelters. Such services are run by NGOs and are mainly concentrated in capital regions.

In other countries, including Indonesia, Malaysia and Thailand, integrated medico-legal services and specialized residential rehabilitation centres have been developed. Malaysia's system is reportedly one of the most sophisticated in the region. These relatively advanced services enable

¹⁴ The ICSE database is a tool which allows specialized investigators to share data with colleagues across the world. It uses image comparison software to make connections between victims, abusers and places. By the end of 2015, the ICSE database included data on more than 8,000 identified victims from nearly 50 countries, as well as data related to numerous unidentified victims, whose cases are yet to be investigated:
<http://www.interpol.int/Crime-areas/Crimes-against-children/Victim-identification>, last accessed 7 April 2016.

child victims of the most serious forms of sexual violence to have access to medical care, psycho-social support, legal advice and child-sensitive investigative services. However, there is no mandate or capacity to assess the family environment or to ensure that children receive appropriate care and protection after they leave the centres. Although these services are in place, they tend to focus almost exclusively upon response to victims, rather than on primary prevention and identification of children and families at risk.

Child protection workforce

There is continued work throughout the region to develop a well-trained and well-supported professional workforce. In countries such as Cambodia, Indonesia, Lao PDR, Myanmar and Viet Nam, the profession and role of social workers is still only emerging. In Indonesia, for example, social work is perceived as 'charity' and not a professional job in the social welfare sector. The overall response to children in need of protection is centred on community organizations and childcare institutions, rather than the government social welfare authority. In many countries, the number of social workers remains low, follow-up support to children and families is limited, and in many cases is dependent on support from NGO partners. This is particularly the case at the community level where the direct interface with children and the community is not led by trained professionals. In the Philippines, social workers are regulated through the Professional Regulation Commission. In Singapore, social workers can be accredited by the Singapore Association of Social Workers. Malaysia approved the Social Work Competency Standards in April 2010, bringing the workforce more in line with international standards.

Compensation, remedies and complaints

Some child-friendly complaint mechanisms are available such as child helplines, school counsellors and health providers. In general, however, there is limited access to child-friendly complaint mechanisms. The role and capacity of national human rights institutions (NHRIs) to monitor and investigate violations of children's rights varies from country to country. In Indonesia, for example, it is possible for children to file complaints to the Commission for the Protection of Children but the Commission lacks explicit authority to investigate complaints. The NHRIs in Malaysia and Thailand do not have a dedicated division for children's rights and are reportedly hampered by the lack of human, technical and financial resources. There are no NHRIs in Brunei Darussalam, Cambodia, Lao PDR, Singapore or Viet Nam.

In some countries, such as in Indonesia, the Committee on the Rights of the Child has identified that girls are particularly disadvantaged in accessing justice. The costs of the formal justice system are often prohibitive and girls are referred to alternative dispute-resolution mechanisms such as religious courts, which frequently discriminate against them and eventually exclude them from the decision-making process. Across the region, there is a lack of information on the availability of compensation for damages from those legally responsible, and concerns about inadequate legal representation available for children.

Child helpline

The #WePROTECT Model National Response recommends a child helpline accessible to children to report cases and receive support and referrals to various services for ongoing support. Most ASEAN Member States have a child helpline – a free-of-charge service providing counselling, information, advice, and referrals to resources and emergency assistance to children as needed. This includes Child Helpline 141 in Brunei Darussalam, Child Helpline Cambodia, TESA 129 in Indonesia, Childline Malaysia, Bantay Bata 163 in the Philippines, Tinkle Friend in Singapore (limited to school-aged children), SaiDek 1387 in Thailand and Child Helpline Viet Nam – all of which are members of Child Helpline International. In Lao PDR, there are hotlines provided by Lao Women’s Union and Friends International. There is no child helpline in Myanmar.

Some helplines are run by NGOs and others are run by governments. In most countries, there is insufficient allocation of human, technical and financial resources for child helplines. In many countries, there is a lack of awareness of child helpline services among children, particularly outside of capital regions. Some helplines are not available 24-hours per day and 7 days per week. Across the region, child helplines need increased professional capacity to deal with online child protection issues and also increased accessibility to children via online technologies including SMS, online chat and social media. Singapore has a dedicated cyberwellness helpline, TOUCHLine, which provides counselling for adults and children during business hours on weekdays. In Viet Nam, the Center for Creative Initiatives in Health Population has provided an online counselling programme since 2003.



SOCIETAL Reporting hotline

The #WePROTECT Model National Response recommends a hotline, which can receive reports of child sexual abuse and exploitation (online and offline) from the public and industry, that is linked to law enforcement and child protection systems. In Brunei Darussalam, Malaysia, the Philippines and Viet Nam, the child helpline is also promoted as a hotline for members of the public to report cases of child sexual abuse and exploitation. At the same time, in many countries, a number of police hotlines are also widely advertised for reporting child sex offences. The plethora of numbers can result in confusion amongst members of the public. In some countries, calls to these hotlines may be limited due to a lack of confidence in law enforcement. Except for Cambodia and Thailand, no country appears to have an online reporting mechanism affiliated with INHOPE or the Internet Watch Foundation, both of which can receive online reports of illegal online content including child abuse materials. In Malaysia, offensive content, including pornography and violence, can be reported via phone, email or an online portal to the Communications and Multimedia Content Forum of Malaysia. The Malaysia Communication and Multimedia Commission can also receive complaints as a last resort.

Promising example

Online reporting mechanisms: Cambodia and Thailand

Both Cambodia and Thailand have an online reporting mechanism, associated with the INHOPE Foundation, which can receive online reports of illegal content, including child abuse materials. The INHOPE Foundation supports start-up activities of new hotlines outside of the European Union. The Foundation seeks to expand the network of hotlines around the world by prioritizing countries where child sexual abuse material is being facilitated, produced or distributed. The Philippines has commenced discussions with INHOPE in order to establish an online reporting mechanism.

Each ASEAN Member State has a Computer Emergency Response Team (CERT), which is tasked to receive, review and respond to cybersecurity incident reports and activity. While this could include reporting incidents of online child sexual abuse and exploitation, it is unknown whether CERTs currently have capacity to refer or respond to such incidents.

Education programme

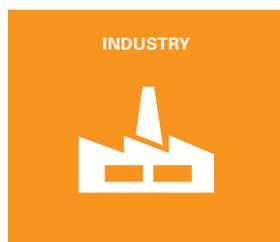
The #WePROTECT Model National Response recommends an education programme for children and young people, parents and carers, teachers, practitioners and faith representatives. In the region, there are examples of police and government officials promoting public awareness of sex crimes against children through a number of channels, including mass media and school outreach. UNICEF has also supported campaigns, varying in scale, on violence against children in general. On the whole however, awareness-raising initiatives on child sexual abuse and exploitation have been ad-hoc and not integrated into school curricula and communities. In order to change societal and cultural attitudes that allow for the tolerance of child sexual abuse and exploitation, and to encourage reporting, the Committee on the Rights of the Child has highlighted a need for intensive awareness-raising activities through mass media and community participation. This includes mobilizing community leaders, local teachers, and youth and children's groups. There are some promising examples of more systematic awareness-raising activities in relation to children's safety online and cyberwellness, which include multi-stakeholder efforts in Brunei Darussalam, Malaysia, the Philippines and Singapore. In Brunei Darussalam, this has also included the involvement of religious leaders, who have raised awareness through Friday sermons.

Child participation

The #WePROTECT Model National Response recommends children and young people have a voice in the development of policies and practices. The Committee on the Rights of the Child has observed that in a number of countries in the region, child participation is hampered by the persistence of traditional attitudes, which limit children's rights to express their views in policies and decision-making procedures affecting them. There are some promising examples throughout the region, including in Brunei Darussalam, Indonesia, Lao PDR and Viet Nam, where children and young people have participated in forums where their views are presented to the senior officials or at the ministerial level. Notwithstanding, the Committee on the Rights of the Child has noted that such forums are not necessarily fully inclusive and the views of children are not always sufficiently taken into consideration in decision-making. In Cambodia and the Philippines, the Government has developed guidelines on child participation. In Indonesia, UNICEF has facilitated child participation through the U-Report platform, which has been used to inform the new National Strategy to Prevent Violence in Childhood (2016-2020).

Offender support systems

There are varied and general procedures across the region to provide support to child offenders in relation to all crime types. However, with the exception of the sex offender intervention programme of the Singapore Prison Service, there is no information available about any specialized medical, psychological, self-help or awareness systems in place for adults convicted of child sex offences or potential abusers.



INDUSTRY

Notice and takedown procedures

The #WePROTECT Model National Response recommends local removal and blocking of online child abuse content. Except for the Philippines, no other country in ASEAN has legislation that explicitly mandates ISPs to report child abuse materials to law enforcement when they learn of it on their own networks. In the Philippines, ISPs must notify police within seven days upon discovery that their servers or facilities are being used to commit offences related to child abuse materials. The Philippines has also issued guidelines for ISPs for the installation of filtering software that will block access to or transmission of any form of child abuse materials.

Promising example

ISP obligations: Philippines

In the Philippines, ISPs must notify police within seven days upon discovery that their servers or facilities are being used to commit offences related to child abuse materials. The Philippines has also issued guidelines for ISPs for the installation of filtering software that will block access to or the transmission of any form of child abuse materials. The law also requires ISPs to preserve evidence for use in criminal proceedings for a minimum of six months and give details of users who access or attempt to access websites containing child abuse images following a request from the police.

In Indonesia and Thailand, there is legislation that authorizes the governments to monitor and block Internet activity. In Brunei Darussalam, Singapore and Malaysia, ISPs are bound by codes of conduct that require removal of prohibited content. In Singapore, service providers are required to deny access to prohibited material when notified or directed by the Media Development Authority of Singapore (MDA). The MDA also requires ISPs to block access to 100 sites, which includes sites on child sexual abuse, as a statement of the community's stand on harmful and undesirable content on the Internet. In Malaysia, adherence by ISPs to the Malaysian Communications and Multimedia Content Code is voluntary unless ISPs are directed to comply. 'Child pornography' is explicitly included as prohibited obscene content. In Viet Nam, ISPs are required to supervise and eliminate prohibited content, including 'obscene material' when it is found or at the request of competent authorities pursuant to a decree on the management, provision and use of Internet services and online information. Lao PDR introduced a decree on Internet content management in late 2014, which, among other things, authorizes the government to monitor and inspect ISPs, issue orders to ISPs to block access, and temporarily or permanently suspend connections.

Blocking of child abuse materials in Cambodia appears to occur via informal communications between government officials and service providers. In Myanmar, there do not appear to be any laws, policies or practices to remove and block online child sexual abuse material.

Child sexual abuse and exploitation reporting

The #WePROTECT Model National Response recommends statutory protections that would allow industry to fully and effectively report child sexual abuse and exploitation content, including the transmission of content, to law enforcement or another designated agency. Guidelines for data retention and data preservation vary widely by country. In the Philippines, ISPs are obligated to preserve evidence for use in criminal proceedings for a minimum of six months and give details of users who access or attempt to access websites containing child abuse images following a request from the police. In Thailand, ISPs must store content and data concerning website users for at least 90 days to facilitate investigation and prosecution. In Indonesia and Malaysia, there is legislation concerning data retention, however regulations to specify the period of time have not yet been introduced. In Brunei Darussalam and Singapore, it is not clear if the legislation providing for data retention applies for the investigation of offenses relating to child sexual abuse materials under the respective penal codes. However, Singapore's Criminal Procedure Code provides the police with powers to prohibit the disposal of property, which has a wide definition that could include electronic evidence. This applies to all evidence relating to criminal cases, which must be retained for investigation purposes. In Cambodia and Myanmar, there do not appear to be any laws, policies or practices requiring ISPs to preserve content-based or non-content-based data, or to provide such material to law enforcement.

Innovative solution development

There are limited examples of innovation by industry to address local issues. In Malaysia, Digi, in cooperation with INTERPOL and the Royal Malaysian Police, introduced a proprietary blocking and rerouting system in 2013 to prevent the spread of child abuse materials. A current partnership between UNICEF Philippines and the Ateneo Human Rights Center includes the delivery of training to a leading ISP on children's rights and business principles, which aims to result in the development of a relevant code of conduct to guide the ISP.

Corporate social responsibility

Primarily through the Telenor group, there are examples of industry efforts to educate children about online safety. For example, in 2015, Telenor, Digi and UNICEF Malaysia published the guide 'Talk to your children about the Internet' for parents on children's online safety. In Thailand, Telenor and DTAC have convened events and forums including the Thai Digital Citizen Hub to discuss and promote online safety. In Singapore, financial sector representatives created a financial coalition against child pornography in 2007, which was a precursor to the Asia-Pacific Financial Coalition Against Child Pornography (APAC-FCACP) launched by the International Centre for Missing and Exploited Children in 2009. APAC-FCACP members include banks, credit card companies, online third-party payment systems, technology companies, social networking platforms, industry associations and law enforcement agencies. Also in Singapore, mobile operators developed a Voluntary Code for Self-regulation of Mobile Content in 2006. There has been some work on promoting child rights and business principles with companies across the region.

Promising example

Corporate social responsibility: Telenor (Malaysia and Thailand)

In 2015, Telenor, Digi and UNICEF Malaysia published a guide, 'Talk to your children about the Internet', for parents on children's online safety. In Thailand, Telenor and DTAC have convened events and forums, including the Thai Digital Citizen Hub to discuss and promote online safety.

**MEDIA AND COMMUNICATIONS****Ethical and informed media reporting**

There are professional codes of conduct in some countries, including Cambodia, Indonesia, Myanmar and the Philippines, that expressly require the media to protect the identities of children that are victims of sexual abuse and exploitation. Child protection legislation in Singapore and Thailand prohibits media publication of children's information in certain circumstances. Viet Nam's new Child Law includes specific provisions on children's right to privacy, which could cover media protection of victims' identities. Although the media is active in reporting crimes against children in many countries, children's privacy in the criminal justice process is not always respected. In Thailand, for example, there have been instances where the identities of children who are victims of abuse have had their personal details, including their names, schools or home addresses, disclosed. In the Philippines, the sexualization of children in the mainstream media has also been identified as a concern. Better monitoring of media coverage and reporting on children, as well as education and public awareness-raising on the harmful impact of the sexualization of children, is required. In some countries, such as Lao PDR, media coverage of child abuse and exploitation is rare (if at all) due to government regulations on the press.

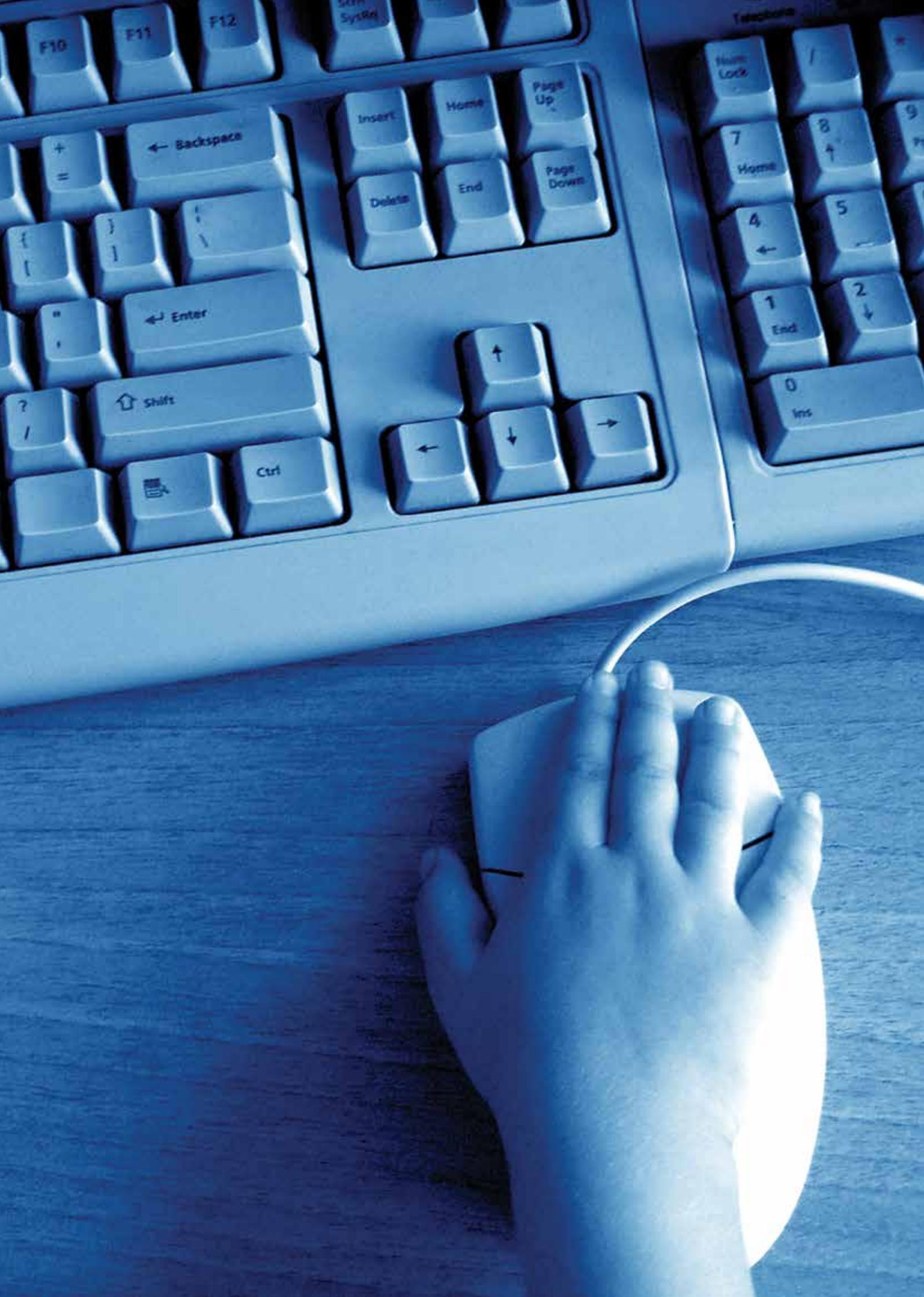
Universal terminology

There is no information about the adoption or application of universal terminology in relation to child abuse and exploitation in the region.

Table 8: Regional snapshot

| | Brunei Darussalam | Cambodia | Indonesia | Lao PDR | Malaysia | Myanmar | Philippines | Singapore | Thailand | Viet Nam |
|---|-------------------|----------|-----------|---------|----------|---------|-------------|-----------|----------|----------|
| Policy and governance | | | | | | | | | | |
| Leadership | * | | | | * | | * | | | |
| Research, analysis and monitoring | | | | | * | | | | | |
| Legislation | * | | | | | | * | | | |
| Criminal justice | | | | | | | | | | |
| Dedicated law enforcement | | | | | * | | | | | |
| Judiciary and prosecutors | | | | | | | | | | |
| Offender management process | | | | | | | * | | | |
| Access to image databases | | | | | | | * | | | |
| Victims | | | | | | | | | | |
| End-to-end support | | | | | | | | | | |
| Child protection workforce | | | | | | | | | | |
| Compensation, remedies and complaints | | | | | | | | | | |
| Child Helpline | | | | | | | | | | |
| Societal | | | | | | | | | | |
| Reporting hotline | | * | | | | | | | * | |
| Education programme | | | | | | | | | | |
| Child participation | | * | * | | | | * | | | |
| Offender support systems | | | | | | | | | | |
| Industry | | | | | | | | | | |
| Notice and takedown procedures | | | | | | | * | * | | |
| Child sexual abuse and exploitation reporting | | | | | | | * | | | |
| Innovative solution development | | | | | * | | | | | |
| Corporate social responsibility | | | | | * | | | * | | |
| Media and communications | | | | | | | | | | |
| Ethical and informed media reporting | | | | | | | | | | |
| Universal terminology | | | | | | | | | | |

| | |
|---|---|
|  | No information available or available information suggests significant gaps |
|  | Partly established and/or in progress |
|  | Largely established |
| * | Promising example |



BRUNEI DARUSSALAM

INTERNET AND MOBILE PENETRATION AND USE



Internet users

318,900 or **74%** of the total population ¹



Mobile connections

521,000 or **122%** of the total population ²



POLICY AND GOVERNANCE

Leadership

The Department of Community Development under the Ministry of Culture, Youth and Sports is the lead agency for child protection. Brunei is the first country in the region to establish a COP Framework built upon the International Telecommunications Union (ITU) COP Initiative. A multi-sectoral COP Committee oversees and implements the Framework.³

Research, analysis and monitoring

There is no national situational analysis of child sexual abuse and exploitation.

Legislation

International commitments: Brunei has ratified a number of relevant international conventions, except for OP3 CRC and the Trafficking Protocol. Brunei maintains reservations to certain articles of the CRC.

Domestic legislation: Brunei has enacted a number of laws that address child sexual abuse and exploitation, including the Penal Code,⁴ Children's and Young Person's Order 2006,⁵ Undesirable Publications Act (Chapter 25),⁶ Women and Girls Protection Act (Chapter 120),⁷ Unlawful Carnal Knowledge Act (Chapter 29),⁸ and Trafficking and Smuggling of Persons Order 2004.⁹ The Penal Code Amendment Order 2012¹⁰ has significantly strengthened Brunei's legislation in relation to online child abuse and exploitation.

¹ As of 30 November 2015: <http://www.internetworldstats.com/stats3.htm#asia>, last accessed 8 April 2016.

² As of the fourth quarter of 2015: <https://gsmaintelligence.com/markets/394/dashboard/>, last accessed 8 April 2016. Standard practice for measuring penetration has been to divide the number of registered SIM cards by the country's population. The rate may exceed the population as a person may hold multiple connections (i.e. SIM cards).

³ <http://www.bt.com.bn/frontpage-news-national/2014/03/06/brunei-introducesframework-childonline-protection>, last accessed 16 October 2015.

⁴ <http://www.agc.gov.bn/AGC%20Images/LOB/PDF/Cap22.pdf>, last accessed 19 October 2015.

⁵ http://www.bruneiresources.com/pdf/gazette_06_2006.pdf, last accessed 19 October 2015.

⁶ http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap025.pdf, last accessed 19 October 2015.

⁷ <http://www.agc.gov.bn/AGC%20Images/LOB/PDF/Chp.120.pdf>, last accessed 20 October 2015.

⁸ http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap029.pdf, last accessed 20 October 2015.

⁹ <http://www.hsph.harvard.edu/population/trafficking/brunei.traf.04.pdf>, last accessed 20 October 2015.

¹⁰ This information is drawn from the Committee on the Rights of the Child, "Combined second and third periodic reports of States parties due in 2008, Brunei Darussalam," CRC/C/BRN/2-3, 13 July 2015, [104] and The World Bank and International Centre for Missing & Exploited Children, "Protecting Children from Cybercrime: Legislative Responses in Asia to Fight Child Pornography, Online Grooming and Cyberbullying," 2015, pp. 73-76.

The law now criminalizes:

- possession of an indecent or obscene photograph (or pseudo-photograph) of a child (section 293A);
- taking, distributing, showing, advertising, or accessing indecent or obscene photographs (or pseudo-photographs) (section 293B);
- sexual acts in the presence of persons under 16 (377B);
- causing a person under 16 to watch a sexual act (377C);
- commercial sex with a person under 18 for both inside and outside Brunei (377E & 377F); and
- sexual grooming of persons under 16 (377G).

These provisions are among the most comprehensive and up-to-date in the region. There are currently no laws addressing cyberbullying and no law that requires ISPs to report child abuse materials to law enforcement agencies or other relevant authorities when they learn of it on their own networks.



CRIMINAL JUSTICE

Dedicated law enforcement

The Royal Brunei Police Force has a Women and Children Abuse Investigation Unit within its Criminal Investigation Department. Brunei has reportedly adapted its digital forensic and investigation for cybercrime cases,¹¹ but no information was available about its capacity to investigate cybercrimes against children.

Judiciary and prosecutors

No information was available about the capacity of the judiciary and prosecutors to conduct child-friendly proceedings, or about positive judicial outcomes for cases of child sexual abuse and exploitation.

Offender management process

No information was available about systems in place to manage child sex offenders and prevent re-offences.

Access to image databases

No information was available about any national image database or Brunei's access to the INTERPOL ICSE database.

¹¹ [http://www.aiti.gov.bn/news/allnews/Pages/Handover-ceremony-of-Child-Online-Protection-\(COP\)-framework.aspx](http://www.aiti.gov.bn/news/allnews/Pages/Handover-ceremony-of-Child-Online-Protection-(COP)-framework.aspx), last accessed 19 October 2015.



VICTIM

End-to-end support

Brunei has legislation that entitles child victims of sexual abuse and exploitation to support during investigations, prosecutions and after-care. This includes temporary custody, medical care, counselling and after-care programmes.¹² No information was available about the implementation and effectiveness of these services.

Child protection workforce

Brunei continues to enhance and strengthen its existing child protection mechanisms.¹³ The Children's and Young Person's Order 2006 establishes 'Action Teams on Child Protection' with a mandate of coordinating locally-based services to families and children where children are, or are suspected of being, in need of protection (section 13). The Order mandates professionals working with children to report incidents involving child sexual abuse to a competent authority (section 26). No information was available about the implementation of the Order.

Compensation, remedies and complaints

Children can make complaints to Child Helpline 141, trained school counsellors, health personnel, the emergency police line (993) and to village leaders who consult with relevant government agencies.¹⁴ It is not clear if children have procedural capacity to initiate court proceedings.¹⁵ There is no NHRI in Brunei to receive and investigate complaints of violations of the CRC in a child-sensitive manner. No information was available about the accessibility or effectiveness of complaint mechanisms or about children's access to compensation or remedies in cases of sexual abuse and exploitation.

Child helpline

The Department of Community Development operates Child Helpline 141. The helpline is a full member of Child Helpline International and is listed among emergency telephone numbers provided in national telephone directories.¹⁶

¹² Committee on the Rights of the Child, "Combined second and third periodic reports of States parties due in 2008, Brunei Darussalam", CRC/C/BRN/2-3, [133]-[134].

¹³ Siti Zaharah binti Haji Abdul Razak and Hajah Pasah binti Haji Ahmad, "Child Online Protection Framework in Brunei Darussalam", presentation at the Regional Conference on Child Online Protection: Towards an Integrated Systems Approach, Putrajaya, Malaysia, 24-25 July 2015.

¹⁴ Committee on the Rights of the Child, "Combined second and third periodic reports of States parties due in 2008, Brunei Darussalam", CRC/C/BRN/2-3, 13 July 2015, [121]-[126].

¹⁵ White & Case LLP, "Access to Justice for Children: Brunei Darussalam," January 2015, p. 3, https://www.crin.org/sites/default/files/brunei_access_to_justice.pdf, last accessed 19 October 2015.

¹⁶ Committee on the Rights of the Child, "Combined second and third periodic reports of States parties due in 2008, Brunei Darussalam", CRC/C/BRN/2-3, [121].



SOCIETAL

Reporting hotline

Reports can be made to the Royal Brunei Police Force 24-hour emergency line 993 and Child Helpline 141. The Brunei National Computer Emergency Response Team (BruCERT) provides a telephone number, fax number and email address for reporting cybersecurity related incidents,¹⁷ but no information was available on its capacity to refer or respond to cases of online child sexual abuse and exploitation.

Education programmes

Brunei has implemented education programmes to address child sexual abuse and exploitation, such as mass media and school programmes implemented by the Royal Brunei Police Force,¹⁸ and a nationwide cybersafety school programme implemented by the Ministry of Education, Royal Brunei Police Force, the Authority for Info-communications Technology Industry of Brunei Darussalam, and BruCERT.¹⁹ The Ministry of Religious Affairs has also played a role in awareness-raising through Friday sermons.²⁰ The Ministry of Education is integrating cybersecurity awareness into the school curriculum.²¹ No information was available on the effectiveness and impact of these initiatives.

Child participation

There are examples of students' active participation in forums, conferences, seminars and workshops where their views are presented to senior officials and ministers.²² No information was available about the inclusivity of such forums or about the extent to which children's views have been taken into consideration in the development of policies.

Offender support systems

No information was available about medical, psychological, self-help or other systems in place to support child sex offenders.

¹⁷ <http://www.brucert.org.bn>, last accessed 16 October 2015.

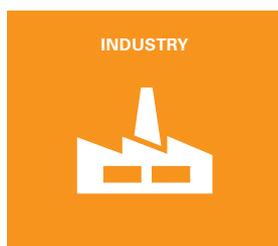
¹⁸ Committee on the Rights of the Child, "Combined second and third periodic reports of States parties due in 2008, Brunei Darussalam," [119]-[120].

¹⁹ [http://www.aiti.gov.bn/news/allnews/Pages/Handover-ceremony-of-Child-Online-Protection-\(COP\)-framework.aspx](http://www.aiti.gov.bn/news/allnews/Pages/Handover-ceremony-of-Child-Online-Protection-(COP)-framework.aspx), last accessed 19 October 2015.

²⁰ *ibid.*

²¹ *ibid.*

²² Committee on the Rights of the Child, "Combined second and third periodic reports of States parties due in 2008, Brunei Darussalam," [81].



INDUSTRY

Notice and takedown procedures

All service providers licensed under the Broadcasting (Class License) Notification 2001²³ are bound by the Internet Code of Practice Notification 2001²⁴ and must 'use their best efforts' to ensure Internet content does not offend 'good taste or decency' (section 2). Specific reference is made to contents that 'are pornographic or otherwise obscene', 'propagate permissive or promiscuous behaviour', 'depict or propagate gross exploitation of violence, nudity, sex or horror' or 'depict or propagate sexual perversions' such as 'paedophilia' (section 2(c)). Service providers must take down content if informed by the Minister responsible for broadcasting matters that it is contrary to an applicable Code of Practice, against the public interest or offends against good taste or decency pursuant to the Broadcasting (Class License) Notification 2001 (section 14). No information was available about the application of these guidelines.

Child sexual abuse and exploitation reporting

Section 9 of the Electronic Transactions Act 2001 (Chapter 196)²⁵ governs data collection, but it is unclear if these provisions apply to the online child sexual abuse offenses in the Penal Code. Under the Broadcasting (Class License) Notification 2001, service providers must assist and cooperate (including by providing any data) in the investigation into any breach of its licence or any alleged violation of any law (section 8). No information was available about the application of these provisions.

Innovative solution development

No information was available.

Corporate social responsibility

No information was available.



MEDIA AND COMMUNICATIONS

Ethical and informed media reporting

No information was available.

Universal terminology

No information was available.

²³ <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan006032.pdf>, last accessed 20 October 2015.

²⁴ <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan006033.pdf>, last accessed 20 October 2015.

²⁵ [http://www.agc.gov.bn/AGC%20Images/LOB/PDF/Electronic%20Transactions%20\(chp.196\).pdf](http://www.agc.gov.bn/AGC%20Images/LOB/PDF/Electronic%20Transactions%20(chp.196).pdf), last accessed 20 October 2015.

Table 9: Country snapshot – Brunei Darussalam

| Domains | Components | |
|---|---|---|
|  | 1. Leadership | * |
| | 2. Research, analysis and monitoring | |
| | 3. Legislation | * |
|  | 4. Dedicated law enforcement | |
| | 5. Judiciary and prosecutors | |
| | 6. Offender management process | |
| | 7. Access to image databases | |
|  | 8. End-to-end support | |
| | 9. Child protection workforce | |
| | 10. Compensation, remedies and complaints | |
| | 11. Child helpline | |
|  | 12. Reporting hotline | |
| | 13. Education programme | |
| | 14. Child participation | |
|  | 15. Offender support systems | |
| | 16. Notice and takedown procedures | |
| | 17. Child sexual abuse and exploitation reporting | |
| | 18. Innovative solution development | |
|  | 19. Corporate social responsibility | |
| | 20. Ethical and informed media reporting | |
| | 21. Universal terminology | |

 No information available or available information suggests significant gaps

 Partly established and/or in progress

 Largely established

* Promising example

CAMBODIA

INTERNET AND MOBILE PENETRATION AND USE



Internet users

5 million or **32%** of the total population,¹
with exponential growth from 2014 to 2015²



Mobile connections

25.8 million or **165%** of the total population³



POLICY AND GOVERNANCE

Leadership

The Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) is the lead agency for child protection. Child protection cuts across several of its departments and coordination among those departments is limited.⁴ The Ministry of Women Affairs has also taken a leadership role in actions to address violence against children and is currently leading the development of the Costed Action Plan to Prevent and Respond to Violence against Children. The Cambodian National Council for Children (CNCC) and National Committee for Counter Trafficking have overlapping coordinating functions in relation to child sexual abuse and exploitation, which may undermine leadership and oversights of multi-sectoral efforts. The National Multi-Sector Task Force for Orphans and Vulnerable Children comprised of the Government, development partners and civil society, works on cross-sector policy development and system strengthening of services.

Research, analysis and monitoring

In 2013, the Ministry of Women's Affairs and MoSVY, with support from UNICEF and the US Centers for Disease Control and Prevention, conducted the first nationwide prevalence study on all forms of violence against children.⁵ However, there is no national situational analysis of child sexual abuse and exploitation. The Committee on the Rights of the Child has observed that Cambodia does not have a comprehensive or cohesive system of data collection on child abuse and exploitation.⁶

Legislation

International commitments: Cambodia has ratified key international conventions relating to child sexual abuse and exploitation, except for OP 3 CRC.

¹ As of 30 November 2015: <http://www.internetworldstats.com/stats3.htm#asia>, last accessed 8 April 2016.

² Reported number of users grew by 414%: <http://wearesocial.sg/blog/2015/03/digital-social-mobile-in-apac-in-2015/>, last accessed 13 October 2015.

³ As of the fourth quarter of 2015: <https://gsmaintelligence.com/markets/1902/dashboard/>, last accessed 8 April 2016.

⁴ ECPAT International et al. "National Child Protection Systems in the East Asia and Pacific Region: A Review and Analysis of Mappings and Assessments", 2014.

⁵ Kingdom of Cambodia, UNICEF Cambodia, and US Centers for Disease Control and Prevention, "Findings From Cambodia's Violence Against Children Survey 2013".

⁶ Committee on the Rights of the Child, "Concluding Observations on the Report Submitted by Cambodia Under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography," CRC/C/OPSC/KHM/CO/1, 26 February 2015, [6].

Domestic legislation: Cambodia enacted the Law on Suppression of Human Trafficking and Sexual Exploitation⁷ in 2008, which expressly criminalizes ‘child pornography’. However, possession without the intent to distribute is not criminalized. The acts of distribution and dissemination are also restricted to ‘public places’ and would not cover private premises. Accessing or downloading child abuse images is not captured by the law, nor is sexual grooming criminalized. There are currently no laws dealing with cyberbullying and no law that requires ISPs to report child abuse materials to law enforcement agencies or other relevant authorities when they learn of it on their own networks. An anti-cybercrime law has been in the process of drafting since 2012 and is still in draft form.



CRIMINAL JUSTICE

Dedicated law enforcement

Specialist unit: Cambodia has established an Information and Technology Office under the Anti-Human Trafficking and Juvenile Protection Department and an Anti-Cyber Crime Unit under the Criminal Investigation Department. The establishment of a Transnational Crime Task Force is also being considered. Cambodian officials have participated in a number of trainings facilitated by international agencies and foreign police on investigating cybercrimes against children.⁸ Training materials for frontline and specialized officers for investigating child sexual exploitation have also been developed for the Cambodian National Police with support from the United Nations Office on Drugs and Crime. Despite this, the Committee on the Rights of the Child has noted concerns about the weak capacity of law enforcement officials in responding to crimes against children.⁹

International collaboration: Cambodia is a member of the Heads of Specialist Units Meetings among ASEAN Member Countries and the Bali Process aimed at information exchange and sharing.¹⁰ Cambodia is a member of the #WePROTECT Global Alliance.

Judiciary and prosecutors

The Committee on the Rights of the Child has raised concerns about low prosecution and conviction rates for child sex offences. There is a lack of public confidence in law enforcement and judicial authorities, which leads to underreporting. The widespread practice of out-of-court settlements is said to impede efforts to investigate and prosecute offenders.¹¹

Offender management process

Judges can, at their discretion, impose a ban on stay for (foreign) perpetrators as an additional penalty under the Law on Suppression of Human Trafficking and Sexual Exploitation (article 48(6)) and the Law on Tourism (article 68).¹² However, the discretionary nature of these provisions

⁷ http://www.no-trafficking.org/content/Laws_Agreement/cambodia%20new%20law%20on%20trafficking%20&%20sexual%20exploitation%20-%20english.pdf, last accessed 15 October 2015.

⁸ This information is drawn from the Kingdom of Cambodia, “Global Alliance against Child Sexual Abuse Online, Commitments” and “Global Alliance against Child Sexual Abuse Online, 2014 Reporting Form”; http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/index_en.htm, last accessed 15 October 2015.

⁹ Committee on the Rights of the Child, “Concluding Observations on the Report Submitted by Cambodia Under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography,” CRC/C/OPSC/KHM/CO/1, 26 February 2015, [26]-[27].

¹⁰ Kingdom of Cambodia, “Global Alliance against Child Sexual Abuse Online, Commitments”.

¹¹ This information is drawn from Committee on the Rights of the Child, “Concluding Observations on the Report Submitted by Cambodia Under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography,” CRC/C/OPSC/KHM/CO/1, 26 February 2015, [22] and [26].

¹² <http://www.tourismcambodia.org/en/camtourismlaw/index.php>, last accessed 15 October 2015.

mean it is possible for foreign perpetrators to remain in Cambodia after conviction or to return to Cambodia after five years have passed from conviction and expulsion.¹³

Access to image databases

No information was available about any national image database or Cambodia's access to the INTERPOL ICSE database. Cambodia has reported contributing images to INTERPOL's ICSE database.¹⁴



VICTIM

End-to-end support

Cambodia has introduced a number of measures to better protect the rights and interests of child victims, including a National Policy and Minimum Standards on Alternative Care for Children, Principles on the Protection of the Rights of Child Victims of Trafficking, and a draft guideline for identification and referral of victims of human trafficking and sexual exploitation.¹⁵ Despite this, the Committee on the Rights of the Child has observed a number of gaps and limitations in victim services. Identification and protection of child victims is hampered by ineffective coordination between police, court officials and government agencies.¹⁶ Programmes to provide protection for child victims and witnesses, as well as free legal aid, are still weak. Child victims receive limited support from child psychologists and social workers during criminal justice proceedings, and some children that are exploited are not always treated as victims.¹⁷ Psycho-social rehabilitation services and shelters for child victims of sexual abuse and exploitation are mainly concentrated in the capital city and run by NGOs.¹⁸ Services are particularly inadequate at the commune level due to a lack of resources and insufficient numbers of adequately trained staff and officials.¹⁹

Child protection workforce

In addition to MoSVY and its provincial and district offices, the Commune/Sangkat Councils and the Commune Council for Women and Children are mandated to identify and assess children and families in situations of risk and take necessary action. However, there is limited understanding and experience of duty-bearers at subnational level and a severe shortage of social workers to cover the needs of the country. The Partnership Programme for the Protection of Children (3PC) is an innovative model of partnership and coordination between MoSVY, UNICEF and Friends International to cover the gaps in the current child protection system. The 3PC coordinates the child protection response through 11 NGOs and 40 local community-based organizations. It promotes family and community-based solutions and strengthening data systems.

¹³ CNCC, "Gap Analysis of Child Protection Legislation in Cambodia," 2014.

¹⁴ Kingdom of Cambodia, "Global Alliance against Child Sexual Abuse Online, Commitments" and "Global Alliance against Child Sexual Abuse Online, 2014 Reporting Form".

¹⁵ Committee on the Rights of the Child, "Concluding Observations on the Report Submitted by Cambodia Under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography," CRC/C/OPSC/KHM/CO/1, 26 February 2015, [26]. The status of the guideline is unknown.

¹⁶ *ibid.* [30].

¹⁷ *ibid.* [28].

¹⁸ Committee on the Rights of the Child, "Consideration of reports submitted by State parties under article 44 of the Convention, Concluding Observations and Recommendations: Cambodia," CRC/C/KHM/CO/2-3, 3 August 2011, [71].

¹⁹ Committee on the Rights of the Child, "Concluding Observations on the Report Submitted by Cambodia Under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography," CRC/C/OPSC/KHM/CO/1, 26 February 2015, [30].

Compensation, remedies and complaints

The Committee on the Rights of the Child has noted that children have limited access to complaints and reporting mechanisms and that there is a lack of information on the availability of compensation for damages from those legally responsible.²⁰ There has been limited progress towards establishing an NHRI to receive and investigate complaints of violations of the CRC in a child-sensitive manner.²¹

Child helpline

Child Helpline Cambodia provides free 24-hour phone counselling, information, referral, and follow-up services for children and young people.²² Child Helpline Cambodia is an NGO and a full member of Child Helpline International.



SOCIETAL Reporting hotline

Reports can be made to the Ministry of Interior's Department of Anti-Trafficking and Juvenile Protection hotline and to NGO hotlines such as Friends International ChildSafe,²³ Child Helpline Cambodia and Action Pour Les Enfants (APLE).²⁴ In January 2015, APLE launched an Internet reporting hotline in cooperation with INHOPE Foundation.²⁵ The Cambodia Computer Emergency Response Team (CamCERT) provides a point of contact for dealing with cybersecurity incidents,²⁶ but no information was available on its capacity to refer or respond to cases of online child sexual abuse and exploitation.

Education programmes

Cambodia has implemented various awareness-raising and information campaigns.²⁷ However, the Committee on the Rights of the Child has observed these have largely been ad-hoc and not integrated into school curricula and communities.²⁸

Child participation

In 2011, the Committee on the Rights of the Child raised concerns that the persistence of traditional attitudes limits children's rights to express their views in decision-making procedures affecting them.²⁹ Since 2013, the CNCC has involved child representatives in the preparation and convening of an annual forum for policy-makers on International Children's Day. Children have also been consulted in the development of relevant policies. The 2014 CNCC Decision on Guideline for Applying Child Participation is an important first step in mainstreaming a basic understanding of child participation across government ministries and NGOs.

²⁰ *ibid.* [26]-[27].

²¹ Committee on the Rights of the Child, "Consideration of reports submitted by State parties under article 44 of the Convention, Concluding Observations and Recommendations: Cambodia," CRC/C/KHM/CO/2-3, 3 August 2011, [14].

²² <http://childhelpline.org.kh/en/>, last accessed 15 October 2015.

²³ <http://thinkchildsafe.org/hotline/>, last accessed 15 October 2015.

²⁴ <http://aplecambodia.org>, last accessed 15 October 2015.

²⁵ <http://aplecambodia.org/internet-hotline-cambodia/>, last accessed 12 January 2016. INHOPE is an active collaborative network of 44 hotlines in 38 countries worldwide, dealing with illegal content online and committed to stamping out and eradicating child sexual abuse material on the Internet': <http://www.inhope.org>, last accessed 16 May 2016.

²⁶ <http://www.camcert.gov.kh> [Khmer], last accessed 14 October 2015.

²⁷ Kingdom of Cambodia, "Global Alliance against Child Sexual Abuse Online, Commitments" and "Global Alliance against Child Sexual Abuse Online, 2014 Reporting Form"

²⁸ Committee on the Rights of the Child, "Concluding Observations on the Report Submitted by Cambodia Under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography," CRC/C/OPSC/KHM/CO/1, 26 February 2015, [12].

²⁹ Committee on the Rights of the Child, "Consideration of reports submitted by State parties under article 44 of the Convention, Concluding Observations and Recommendations: Cambodia," CRC/C/KHM/CO/2-3, 3 August 2011, [14].

Promising example

Child participation guideline: Cambodia

In February 2014, the Cambodian National Council for Children's Decision on Guideline for Applying Child Participation was launched. In early 2016, a manual for facilitators of child participation was published. CNCC staff have received 'Training of Trainers' on the manual and further training is planned for later in 2016. A monitoring and evaluation tool for child participation is currently being developed.

Offender support systems

There does not appear to be any support system in place for sex offenders.

**INDUSTRY****Notice and takedown procedures**

Removal and blocking of online child abuse materials appears to occur via informal communications between government officials and service providers.³⁰

Child sexual abuse and exploitation reporting

There do not appear to be any guidelines for industry to preserve (content-based or non-content-based) data or to provide such material to law enforcement. Although a 2012 joint Ministry of Interior and Ministry of Posts and Telecommunication circular ordered Internet cafes to set up surveillance cameras and store footage, and phone shops and telecommunications operators to register subscribers' national ID cards or international passport and visas, the circular does not appear to have been implemented.³¹

Industry solution development

There do not appear to be any examples of industry innovation to address local issues.

Corporate social responsibility

No information was available.

**MEDIA AND COMMUNICATIONS****Ethical and informed media reporting**

The Cambodian Center for Independent Media and the Cambodian Club of Journalists have Codes of Ethics that require the protection of the identities of children involved in legal proceedings.³² No information was available about the extent of ethical and informed media reporting.

Universal terminology

No information was available.

³⁰ Kingdom of Cambodia, "Global Alliance against Child Sexual Abuse Online, Commitments"; Freedom House, "Freedom on the Net 2014, Cambodia," <https://freedomhouse.org/report/freedom-net/2014/cambodia>, last accessed 14 October 2015.

³¹ Freedom House, "Freedom on the Net 2014, Cambodia"

Table 10: Country snapshot – Cambodia

| Domains | Components | |
|---|---|---|
|  | 1. Leadership | |
| | 2. Research, analysis and monitoring | |
| | 3. Legislation | |
|  | 4. Dedicated law enforcement | |
| | 5. Judiciary and prosecutors | |
| | 6. Offender management process | |
| | 7. Access to image databases | |
|  | 8. End-to-end support | |
| | 9. Child protection workforce | |
| | 10. Compensation, remedies and complaints | |
| | 11. Child helpline | |
|  | 12. Reporting hotline | * |
| | 13. Education programme | |
| | 14. Child participation | * |
|  | 15. Offender support systems | |
| | 16. Notice and takedown procedures | |
| | 17. Child sexual abuse and exploitation reporting | |
|  | 18. Innovative solution development | |
| | 19. Corporate social responsibility | |
| | 20. Ethical and informed media reporting | |
| | 21. Universal terminology | |

-  No information available or available information suggests significant gaps
-  Partly established and/or in progress
-  Largely established
- * Promising example

INDONESIA

INTERNET AND MOBILE PENETRATION AND USE



Internet users

78 million or **31%** of the total population, and 5% of total users in Asia¹



Mobile connections

341.8 million or **132%** of the total population²



POLICY AND GOVERNANCE

Leadership

The Ministry for Women's Empowerment and Child Protection is mandated to develop and adopt policies on child protection, and coordinate implementation of such policies and responses to child protection. The Ministry of Social Affairs is tasked to develop and implement social rehabilitation policies, including those for child victims of violence, trafficking and neglect, while the Ministry of Human Development and Culture coordinates the National Task Force on Anti-Trafficking in Persons. There does not appear to be a clear mechanism to lead and oversee multi-sectoral efforts to address online child sexual abuse and exploitation. The National Strategy to Eliminate Violence in Childhood (2016-2020) was launched on 27 January 2016. Indonesia has also included addressing violence against children in its National Medium-Term Development Plan (2015-2019).

Research, analysis and monitoring

Various ministries and local governments are working to improve data collection and analysis on the situation of children.³ The findings from the first national prevalence study on violence against children, which was conducted in 2013,⁴ is being utilized in policy development. There has not yet been any national situational analysis of child sexual abuse and exploitation.

Legislation

International commitments: Indonesia has ratified key international conventions relating to child sexual abuse and exploitation, except for OP3 CRC.

¹ As of 30 November 2015: <http://www.internetworldstats.com/stats3.htm#asia>, last accessed 8 April 2016.

² As of the fourth quarter of 2015: <https://gsmaintelligence.com/markets/1531/dashboard/>, last accessed 8 April 2016.

³ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14669&LangID=E#sthash.SaSGxj10.dpuf>, last accessed 6 October 2015.

⁴ Due to a low response rate, the data are not considered valid by UNICEF and US Centers for Disease Control and Prevention.

Domestic legislation: Indonesia has enacted a number of laws that address child sexual abuse and exploitation including the Penal Code,⁵ Law No. 44 of 2008 concerning Pornography,⁶ Law No. 11 of 2008 concerning Electronic Information and Technology,⁷ Act No. 13 of 2003 concerning Manpower,⁸ Law No. 23 of 2002 on Child Protection amended by Law No. 35 of 2014 on the Revision of Law No. 23 of 2002 on Child Protection,⁹ and Law No. 21 of 2007 on the Eradication of Criminal Act of Human Trafficking.¹⁰ However there is no full or comprehensive law to address online child abuse and exploitation, nor a clear definition of what constitutes ‘child pornography’. There is no offence for the sexual grooming of children and no laws that deal with cyberbullying. Although the Law concerning Pornography encourages the community to report violations, there is no law that requires ISPs to report child abuse materials to law enforcement agencies or other relevant authorities when they learn of it on their own networks. A new law on cybersecurity will reportedly be issued soon.¹¹ The Committee on the Rights of the Child has highlighted the urgent need to amend Indonesia’s legislation to ensure that all children subject to any form of sexual exploitation are always treated as victims and are not subject to criminal sanctions.¹²



CRIMINAL JUSTICE

Dedicated law enforcement

Specialized units: Women and Children Service Units in provincial and district-level police offices are responsible for investigating crimes against women and children. These units are generally managed by female police officers who have received training based on guidelines for women and children, and training on techniques for interviewing child victims and witnesses. The techniques were adopted by the Indonesian National Police in 2008.¹³ Indonesia also has specialized Cybercrime Units in Jakarta. No information was available on whether their mandate includes investigating online child abuse and exploitation, and their capacity to do so.

International collaboration: Since 2006, the Indonesian National Police have been equipped with the Child Exploitation Tracking System – a system enabling law enforcement to track individuals that exchange child abuse materials online, and to communicate with and exchange real-time data with other law enforcement units.¹⁴ In 2013, the Indonesian National Police joined the Virtual Global Taskforce. Indonesia is also part of the #WePROTECT Global Alliance.

⁵ http://www.unodc.org/res/cld/document/idn/indonesian_penal_code_html/I.1_Criminal_Code.pdf, last accessed 1 October 2015. Note: This law is currently under revision.

⁶ References to the law are drawn from Allen & Overy, “Coalition of Stake Holders against Commercial Sexual Exploitation of Children on the Internet, Legal Framework and Obstacles in the Asia-Pacific Region – Phase 1”, December 2012, p. 55, UNICEF, “Legal Protection from Violence: Analysis of Domestic Laws Related to Violence against Children in ASEAN Member States”, UNICEF EAPRO, 2015, pp. 142-150, and The World Bank and International Centre for Missing & Exploited Children, “Protection Children from Cybercrime: Legislative Responses in Asia to Fight Child Pornography, Online Grooming and Cyberbullying”, pp. 143-155.

⁷ <http://www.bu.edu/bucflp/files/2012/01/Law-No.-11-Concerning-Electronic-Information-and-Transactions.pdf>, last accessed 1 October 2015.

⁸ <http://www.ilo.org/dyn/travail/docs/760/Indonesian%20Labour%20Law%20-%20Act%2013%20of%202003.pdf>, last accessed 1 October 2015.

⁹ http://www.internationalresourcecentre.org/en_X2/Indonesia_Law_on_Child_Protection.pdf, last accessed 1 October 2015.

¹⁰ An English version of this law was not able to be viewed. References to the law are drawn from The World Bank and International Centre for Missing & Exploited Children, “Protection Children from Cybercrime: Legislative Responses in Asia to Fight Child Pornography, Online Grooming and Cyberbullying”, p. 153.

¹¹ <http://www.thejakartapost.com/news/2015/08/07/president-prepares-fight-cyber-crime.html>, last accessed 6 October 2015.

¹² Committee on the Rights of the Child, “Concluding Observations on the Combined Third and Fourth Periodic Reports of Indonesia,” CRC/C/IDN/CO/3-4, 10 July 2014, [31-32].

¹³ ECPAT International, “Global monitoring status of action against commercial sexual exploitation of children: Indonesia”, 2nd edition, Bangkok, 2011, p. 27.

¹⁴ *ibid.* p. 18.

Virtual Global Taskforce: Indonesia

The Indonesian National Police is the first police force from the region to join the Virtual Global Taskforce. The Virtual Global Taskforce is an international partnership of law enforcement agencies, NGOs and companies working to help protect children from online child abuse and other forms of transnational child sexual exploitation.

Judiciary and prosecutors

There was little information available about the capacity of judiciary and prosecutors to conduct child-friendly proceedings or about positive judicial outcomes for cases of child sexual abuse and exploitation. Law No. 11 of 2012 on Juvenile Criminal System provides for the adoption of a Presidential Regulation on the Rights of Children who are Victims and Witnesses. Although the deadline for its enactment was August 2015, the Presidential Regulation has not yet been adopted.

Offender management process

No information was available about systems in place to manage child sex offenders and to prevent re-offences.

Access to image databases

No information was available about any national image database or Indonesia's access to the INTERPOL ICSE database.



VICTIM

End-to-end support

Child victims of the most serious forms of violence and sexual abuse have access to medical care, psycho-social support, legal advice and child-sensitive investigative services. However, Indonesia's hospital-based, crisis-intervention model tends to address only the most serious cases of violence – predominantly sexual abuse causing injuries warranting medical attention.¹⁵ There is no mandate or capacity to assess the family environment, or to ensure that children receive appropriate care and protection after they leave the centre.¹⁶

¹⁵ Child Frontiers, "Child and Family Welfare Services in Indonesia, An Assessment of the System for the Prevention and Response to Abuse, Violence and Exploitation against Children", undated, p. 15

¹⁶ IOD PARC, "Formative Evaluation of UNICEF's Child Protection System Building Approach in Indonesia", 2015, p. 58, http://www.unicef.org/evaldatabase/files/Indonesia_2015-002_Child_Protection_System_Building_Approach.pdf, last accessed 4 November 2015.

Child protection workforce

Indonesia is continuing work to develop a professional child protection workforce. Although Law No. 11/2009 on Social Welfare and Law No. 13/2011 on Handling the Poor and the Destitute both expressly highlight professionalizing social work practice, social work continues to be perceived as ‘charity’ and not a professional job in the social welfare sector.¹⁷ There is evidence of nascent social services at district level in Indonesia¹⁸ and there appears to be support for the certification of social work in order to strengthen the capacity and quality of overall social welfare services in Indonesia.¹⁹ A number of interventions that seek to propagate and try out new ways to improve child-sensitive social welfare and protection in Indonesia are currently either being planned or are underway.²⁰

Compensation, remedies and complaints

The Committee on the Rights of the Child has noted that child victims are faced with several barriers in accessing justice.²¹ Girls have been identified as particularly disadvantaged. The costs of the formal justice system are often prohibitive and girls are referred to alternative dispute-resolution mechanisms such as religious courts, which frequently discriminate against them and eventually exclude them from the decision-making process.²² While it is possible for children to file complaints to the Commission for the Protection of Children, the Commission lacks the explicit authority to investigate complaints.²³ No information was available about children’s access to compensation and remedies.

Child helpline

The national child helpline ‘TESA 129’, operated by the sub-directorate for child protection under the Ministry of Social Affairs, is a full member of Child Helpline International. The Committee on the Rights of the Child has observed that the helpline has insufficient human, technical and financial resources to raise awareness of the service to children across the country and/or to provide 24-hour access and satisfactory follow-up.²⁴



SOCIETAL Reporting hotline

Reports can be made to TESA 129.²⁵ There does not appear to be any online mechanism to receive reports of online child sexual abuse and exploitation.

¹⁷ Technical Assistance Team UNICEF Indonesia Project, School of Human Services and Social Work, Griffith University, “Building an effective child protection and social welfare system in Indonesia Developing the role of social work,” Report of Scoping Visit (July-August 2012), October 2012, p. 26.

¹⁸ IOD PARC, “Formative Evaluation of UNICEF’s Child Protection System Building Approach in Indonesia,” 2015, p. 56.

¹⁹ Technical Assistance Team UNICEF Indonesia Project, School of Human Services and Social Work, Griffith University, “Building an effective child protection and social welfare system in Indonesia Developing the role of social work,” p. 27.

²⁰ Ministry of Social Affairs Indonesia and UNICEF, “Rapid Assessment of the Child Social Welfare Program (PKSA),” January 2015, p. 15.

²¹ Committee on the Rights of the Child, “Concluding Observations on the Combined Third and Fourth Periodic Reports of Indonesia,” CRC/C/IDN/CO/3-4, 10 July 2014, [31].

²² *ibid.* [37].

²³ *ibid.* [17]-[18].

²⁴ *ibid.* [39]-[40].

²⁵ UNICEF Indonesia, “Capacity assessment of the referral system and documentation of good practice: An analysis of the capacity of the overall referral system and PPT/PKTs in Indonesia,” 2009, p. 27.

Education programmes

Presidential Instruction No. 5 Year 2014 on the National Movement on Anti-Sexual Crime against Children included education programmes for children, parents and carers, teachers, practitioners, and so on, to prevent and respond to child sexual abuse and exploitation in its list of activities. There was no information available on education programmes being implemented.

Child participation

Indonesia has developed and piloted a number of mechanisms to enable child participation in the development of policy,²⁶ however the Committee on the Rights of the Child has raised concerns that these forums are not fully inclusive and the views of children have not been sufficiently taken into account in the decision-making process.²⁷ While the Law on Child Protection establishes the right of the child to be heard, the Committee on the Rights of the Child has noted that it is weakened by the requirement that the right is applied in accordance with ‘morality and decency.’²⁸ More recently, the voices of children were shared to inform the new National Strategy to Prevent Violence in Childhood (2016-2020), facilitated through UNICEF’s U-Report platform.²⁹

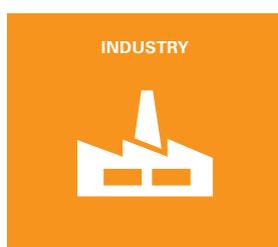
Promising example

Child participation through technology: Indonesia

UNICEF has facilitated child participation through the U-Report platform. The platform interacted with 4,000 young people to identify priority actions aimed at ending violence against children in schools, homes and communities. Findings were shared with government agencies to inform the new National Strategy to Prevent Violence in Childhood (2016-2020).

Offender support systems

There does not appear to be any support system in place for sex offenders.



INDUSTRY

Notice and takedown procedures

The Law concerning Pornography obligates the Government to take precautions against the production, distribution, and use of pornography, and authorizes the Government to terminate, block and monitor any network that produces and disseminates pornography (articles 17-19).³⁰ In August 2015, the Ministry of Information and Communications reported blocking around 750 websites displaying pornographic materials. It is unknown whether the sites included child abuse materials.

²⁶ These include the National Forum for Child Participation, the Teen Parliament, the Indonesian Child Congress, the Child Council, Election of Young Leaders and the National Child Consultation.

²⁷ Committee on the Rights of the Child, “Concluding Observations on the Combined Third and Fourth Periodic Reports of Indonesia,” CRC/C/IDN/CO/3-4, 10 July 2014, [25].

²⁸ *ibid.*

²⁹ <https://blogs.unicef.org/innovation/indonesian-u-reporters-speak-out-on-violence-against-children/>, last accessed 8 October 2015.

³⁰ The World Bank and International Centre for Missing & Exploited Children, “Protection Children from Cybercrime: Legislative Responses in Asia to Fight Child Pornography, Online Grooming and Cyberbullying,” p. 150.

Child sexual abuse and exploitation reporting

The Law concerning Electronic Information and Technology, and Regulation No. 82 of 2012 concerning Electronic System and Transaction Operation³¹ govern data retention. Both provide that electronic system operators shall redisplay electronic information and/or electronic documents in accordance with the retention period set out in the regulation (which has not yet been introduced).³² The Law concerning Pornography requires the owner of the data, the data storage or the electronic service provider to provide data to investigators as requested.³³

Innovative solution development

No information was available.

Corporate social responsibility

There have been previous CSR projects, such as The Body Shop and ECPAT Indonesia's joint campaign to end child trafficking and exploitation, but no information was available about current initiatives.



MEDIA AND COMMUNICATIONS

Ethical and informed media reporting

Children in contact with the law have the right to protection from publication under Law No. 11 of 2012 on the Juvenile Justice System. All journalists and media organizations have adopted a Code of Conduct in Journalism through the Decree of Press Council No. 03/SK-DP/III/2006 which prohibits the disclosure of the identity of children who are victims of crime or offenders. No information was available about the extent of ethical and informed media reporting.

Universal terminology

No information was available.

³¹ http://www.flevin.com/id/lgso/translations/JICA%20Mirror/english/4902_PP_82_2012_e.html, last accessed 1 October 2015.

³² The World Bank and International Centre for Missing & Exploited Children, "Protection Children from Cybercrime: Legislative Responses in Asia to Fight Child Pornography, Online Grooming and Cyberbullying", p. 151.

³³ *ibid.*

Table 11: Country snapshot – Indonesia

| Domains | Components | |
|---|---|---|
|  POLICY AND GOVERNANCE | 1. Leadership | |
| | 2. Research, analysis and monitoring | |
| | 3. Legislation | |
|  CRIMINAL JUSTICE | 4. Dedicated law enforcement | |
| | 5. Judiciary and prosecutors | |
| | 6. Offender management process | |
| | 7. Access to image databases | |
|  VICTIM | 8. End-to-end support | |
| | 9. Child protection workforce | |
| | 10. Compensation, remedies and complaints | |
| | 11. Child helpline | |
|  SOCIAL | 12. Reporting hotline | |
| | 13. Education programme | |
| | 14. Child participation | * |
|  INDUSTRY | 15. Offender support systems | |
| | 16. Notice and takedown procedures | |
| | 17. Child sexual abuse and exploitation reporting | |
| | 18. Innovative solution development | |
|  MEDIA AND COMMUNICATIONS | 19. Corporate social responsibility | |
| | 20. Ethical and informed media reporting | |
| | 21. Universal terminology | |

| | |
|---|---|
|  | No information available or available information suggests significant gaps |
|  | Partly established and/or in progress |
|  | Largely established |
| * | Promising example |

LAO PDR

INTERNET AND MOBILE PENETRATION AND USE



Internet users

985,586 or **14%** of the total population ¹



Mobile connections

5.4 million or **78%** of the total population ²



POLICY AND GOVERNANCE

Leadership

The National Commission for Mothers and Children, under the Prime Minister's Office, has the mandate to monitor, implement and supervise the full range of activities related to the CRC and its Optional Protocols. It is an inter-agency mechanism constituting 23 government ministries and agencies. In 2015, the Committee on the Rights of the Child observed a lack of coordination amongst government bodies, and between government bodies and NGOs working on issues related to child sexual abuse and exploitation.³ The National Commission for Mothers and Children, and the National Commission for the Advancement of Women have developed Lao PDR's first National Plan of Action (NPA) on the Prevention and Elimination of Violence against Women and Violence against Children in Lao PDR (2014-2020). The overarching policy framework for children is outlined in the Strategic Plan for Mothers and Children 2016-2025 and the National Plan of Action for Mothers and Children 2016-2020.

Research, analysis and monitoring

The National Commission for Mothers and Children, in collaboration with the Lao Statistics Bureau and with UNICEF support, conducted a national prevalence study on violence against children in Lao PDR in 2014. There has not yet been any national situational analysis of child sexual abuse and exploitation risks and responses. The Committee on the Rights of the Child has observed a lack of disaggregated data on children who are vulnerable to child sexual abuse and exploitation, as well as a lack of a comprehensive system of data collection.⁴

Legislation

International commitments: Lao PDR has ratified key international conventions relating to child sexual abuse and exploitation, except for OP3 CRC.

¹ As of 30 November 2015: <http://www.internetworldstats.com/stats3.htm#asia>, last accessed 8 April 2016.

² As of the fourth quarter of 2015: <https://gsmaintelligence.com/markets/1989/dashboard/>, last accessed 8 April 2016.

³ Committee on the Rights of the Child, "Concluding observations on the report submitted by Laos under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", CRC/C/OPSC/LAO/CO/1, 3 June 2015, [11].

⁴ *ibid.* [7].

Domestic legislation: Lao PDR has enacted legislation to address child sexual abuse materials, in particular, the Law on the Protection of Rights and Interests of Children (enacted in 2007), which makes it an offence to produce, distribute, disseminate, import, export, display or sell items of ‘child pornography’.⁵ The Law on Anti-Trafficking in Persons (enacted in January 2016) includes ‘production, showing and distribution of pornographic materials’ within the definition of trafficking in persons and carries an aggravated penalty if the victim is a child.⁶ While the Penal Law (enacted in 1990, last amended in 2005 and effective in 2006),⁷ Law on the Development and Protection of Women (enacted in 2004),⁸ Law on Preventing and Combating Violence against Women and Children (enacted January 2015), and Law on Telecommunications (enacted 2011)⁹ also have related provisions, there are gaps. There is no comprehensive definition of ‘child pornography’, and it does not appear that current laws could be used to prosecute the possession of child abuse materials, or the sexual grooming of a child. There are currently no laws dealing with cyberbullying and no laws that require ISPs to report child abuse materials to law enforcement agencies or other relevant authorities when they learn of it on their own networks. The National Assembly has passed a draft Law on Prevention and Combating Cyber Crime however it does not yet appear to have been promulgated. The Law makes it an offence to disseminate pornography.¹⁰



CRIMINAL JUSTICE

Dedicated law enforcement

A new Anti-Human Trafficking Department has been established under the Ministry of Public Security, which is responsible for handling cases involving children. Some officials working in the new department have received training on child-friendly investigations.

Judiciary and prosecutors

The Law on Juvenile Criminal Procedures, approved in 2014, establishes child-friendly investigation and court procedures, and requires the establishment of Child Investigation and Child Prosecutor Units. However, it will take time for Lao PDR to implement those provisions due to limited financial and human resources. The implementation of child-friendly investigations and court procedures is still limited, and few justice professionals have been trained in how to effectively handle cases involving children. The Committee on the Rights of the Child has observed that a large number of cases concerning child sexual abuse and exploitation do not lead to conviction due to traditional out-of-court settlements at village level and the failure of the judicial authorities to enforce the law.¹¹ UNICEF has previously supported national training institutes for judges and prosecutors, and the National Police Academy to introduce basic modules on child rights and child protection with a focus on international standards for child justice. A more comprehensive and specialized training curriculum will be developed for these institutes and will be integrated into their regular teaching curricula.

⁵ http://www.no-trafficking.org/reports_docs/lao/laws/ProtectionRightsInterestsChild-2007-ENG.pdf, last accessed 16 October 2015.

⁶ An unofficial English translation was reviewed for the purposes of this report, however it is not yet available online.

⁷ http://www.no-trafficking.org/reports_docs/lao/laws/PenalLawArticle134-2005-ENG.pdf, last accessed 16 October 2015. The Penal Law is currently under revision.

⁸ http://www.no-trafficking.org/reports_docs/lao/laws/Law-DevProtectWomen-2004-ENG.pdf, last accessed 16 October 2015.

⁹ <http://www.laotradeportal.gov.la/index.php?r=site/display&id=515>, last accessed 16 October 2015.

¹⁰ https://www.laocert.gov.la/ftp_upload/Cyber_Crime_Law_EnVersion.pdf, last accessed 25 May 2016.

¹¹ Committee on the Rights of the Child, “Concluding observations on the report submitted by Laos under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, CRC/C/OPSC/LAO/CO/1, 3 June 2015, [31].

Offender management process

There was no information available about systems in place to manage adult sex offenders and to prevent re-offences.

In relation to children in contact with the law (i.e., people under 18 years old and not specifically relating to sex offending), many cases are diverted from the formal justice system with the help of Village Mediation Units. However, there is reportedly a lack of community-based services that can address children's behaviour and help to rehabilitate or reintegrate children into communities.

Access to image databases

No information was available about any national image database or Lao PDR's access to the INTERPOL ICSE database.



VICTIM

End-to-end support

As noted, the Law on Juvenile Criminal Procedures, approved in 2014, establishes child-friendly investigation and court procedures, and requires the establishment of Child Investigation and Child Prosecutor Units. The Law on Anti-Trafficking in Persons, enacted in January 2016, sets out the rights of victims to shelter, legal assistance, medical treatment, education and vocational training, economic support and reintegration (Chapter 5). In 2015, the Committee on the Rights of the Child noted with concern that some children that are sexually exploited are not always treated as victims during the criminal justice process and their privacy and safety is not guaranteed.¹² The Committee also observed that child victims have limited access to medical care, counselling, financial support and adequate housing services.¹³

Child protection workforce

The Law on the Protection of Rights and Interests of Children and the Law on Preventing and Combatting Violence against Women and Children set out the processes for reporting, referring and responding to child protection cases. UNICEF is supporting the Ministry of Labour and Social Welfare to establish Committees for the Protection and Assistance of Children at the central, provincial and district levels, as well as Child Protection Networks at the community level. The role of social workers is also only just emerging. The number of social workers remains low and follow-up support to children and families is limited. The Ministry of Labour and Social Welfare and the National University of Laos, with support from UNICEF, have initiated steps to develop the social work profession in Lao PDR and to strengthen existing capacities of child welfare staff, including establishing a full four-year Bachelor of Arts Degree in Social Work and developing a manual for a para-professional social work training course.

¹² Committee on the Rights of the Child, "Concluding observations on the report submitted by Laos under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography," CRC/C/OPSC/LAO/CO/1, 3 June 2015, [35]-[36].

¹³ *ibid.* [37]-[38].

Compensation, remedies and complaints

There was limited information available about children's access to child-friendly complaints mechanisms, or about children's access to compensation or remedies in cases of sexual abuse and exploitation. Similar to other victim services, legal services and programmes are mainly located in the capital city and therefore not accessible for the majority of children. Children do not have the right to bring a complaint or seek reparation without the consent of their parents.¹⁴ There is no NHRI to receive and investigate complaints of violations of the CRC in a child-sensitive manner.

Child helplines

There are a number of telephone lines that can provide services to children, although these tend to be issue-focused. Since 2011, the Lao Women's Union has operated a free hotline (1362) during working hours on weekdays to give advice on women's and children's rights, and for reporting suspected cases of domestic violence and trafficking. Peuan Mit (Friends International) operates a free 24-hour hotline (1191), staffed by a social worker, for children and young people to report and seek advice about incidents of violence. This is operated in collaboration with the Ministry of Labour and Social Welfare. The Vientiane Youth Center and Clinic for Health and Development, under the Women's Union, operates a counselling line that is primarily focused on young people's sexual and reproductive health. There is no national, toll-free, 24-hour, dedicated child helpline that is part of the Child Helpline International network.



SOCIETAL

Reporting hotline

Reports can be made to the National Police hotline and Lao PDR Women's Union hotline. There is no online mechanism to receive and respond to cases of online child sexual abuse and exploitation.¹⁵ The Lao Computer Emergency Response Team (LaoCERT),¹⁶ established under the Ministry of Posts and Telecommunications in 2012, does not currently have the capacity to receive or respond to cases of online child sexual abuse or exploitation.¹⁷

Education programmes

There are some examples of awareness-raising efforts on child sexual exploitation. However, the Committee on the Rights of the Child observes that a lack of public awareness, as well as social and cultural tolerance of child sexual exploitation, continues to hinder reporting and prosecution.¹⁸

In relation to cybersafety, education for children on how to keep safe online is reportedly provided in schools where 'Internet Centres' have been established.

¹⁴ Committee on the Rights of the Child, "Consideration of reports submitted by State parties under article 44 of the Convention", 8 April 2011, [30]. A child under 18 years of age without a guardian may be represented by a public prosecutor.

¹⁵ ITU, "Cyberwellness Profile: Lao PDR", https://www.itu.int/en/ITU-D/Cybersecurity/Documents/Country_Profiles/Lao_PDR.pdf, last accessed 16 October 2015.

¹⁶ <https://www.laocert.gov.la> [Lao], last accessed 16 October 2015.

¹⁷ Committee on the Rights of the Child, "Concluding observations on the report submitted by Laos under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", CRC/C/OPSC/LAO/CO/1, 3 June 2015, [25].

¹⁸ *ibid.* [21].

Child participation

Lao PDR has made some progress in enabling child participation. For example, during the development of the Law on Juvenile Criminal Procedures, more than 300 girls and boys from different circumstances participated in group discussions and individual interviews, and provided their views on the development of the law. Young people also have the opportunity to express and share their opinions and ideas through the youth radio programme and social media. No information was available on the extent to which children's views have been taken into consideration in the development of policies.

Offender support systems

There does not appear to be any support system in place for sex offenders.

In relation to children in contact with the law (not specifically relating to sex offending), the Law on Juvenile Criminal Procedures provides that re-education should be provided to child offenders after mediation or the final decision of the court (article 69). At the moment, there is no specific programme or system in place to support child offenders. However, the Ministry of Justice and the People's Supreme Prosecutor have initiated discussions to trial the 'Legal and social assistance to children in contact with the law' and the 'Community-based diversion programme'.



INDUSTRY

Notice and takedown procedures

The National Plan of Action to Prevent and Eliminate Violence against Women and Violence against Children (2014-2020) includes responsibilities for the Ministry for Information, Culture and Tourism to block 'pornography'.¹⁹ In late 2014, Lao PDR issued Decree No. 327 on Internet-Based Information Control/Management,²⁰ which prohibits disseminating certain content on the Internet including 'pornography, edited photos (Photoshop) and other photos that the law of the Lao PDR has prohibited, photos discrediting Lao tradition, ... or services for buying or selling sex' (article 10(4)). ISPs are responsible for restricting users' access and suspending connections, temporarily or permanently, for violation of the decree (article 12). Website managers are deemed responsible for content and information on their websites. They must check content before disseminating it on their websites, and must not disseminate prohibited content (article 14). Users and website managers must not present, send or forward any prohibited content (articles 16 and 17). The Ministry of Posts, Telecommunications and Communications, Ministry of Information, Culture and Tourism, and the Ministry of National Defence have responsibilities in the implementation of the Decree. Violation of the Decree may result in warnings, education, penalties, fines, or civil or criminal charges, depending on the severity of the case (article 26). The responsibilities of different agencies specifically to prevent and combat cybercrime are set out in the draft Law on Cyber Crime. There is reportedly a lack of capacity to monitor the Internet and to block access to websites in Lao PDR.²¹

¹⁹ National Plan of Action to Prevent and Eliminate Violence against Women and Violence against Children, Part IV, Roles and Responsibilities for Implementation.

²⁰ http://rightslinklao.org/wp-content/uploads/downloads/2014/10/Decree_327_-_Management_of_Internet_-_16_Sep_2014.pdf, last accessed 16 October 2015 [unofficial translation].

²¹ <https://freedomhouse.org/report/freedom-world/2014/laos>, last accessed 16 October 2015.

Child sexual abuse and exploitation reporting

Decree No. 327 includes ISPs responsibility to ‘collaborate and provide information to concerned organizations’ (article 12), which may include the transmission of content to law enforcement, but the procedure is not elaborated. The National Defence Sector’s responsibilities include to ‘collect, inspect, and analyse information on the Internet that threatens national stability, the nation’s secrets, and the peace of the society’ (article 20). Article 40 of the draft Law on Prevention and Combating Cyber Crime prohibits service providers from deleting computer traffic data and user data before 90 days. It also prohibits the disclosure of consumer data without authorization.

Innovative solution development

No information was available.

Corporate social responsibility

No information was available.



MEDIA AND COMMUNICATIONS

Ethical and informed media reporting

Media coverage of child abuse and exploitation is rare due to government regulations on the press.

Universal terminology

No information was available.

Table 12: Country snapshot – Lao PDR

| Domains | Components | |
|---|---|--|
|  | 1. Leadership | |
| | 2. Research, analysis and monitoring | |
| | 3. Legislation | |
|  | 4. Dedicated law enforcement | |
| | 5. Judiciary and prosecutors | |
| | 6. Offender management process | |
| | 7. Access to image databases | |
|  | 8. End-to-end support | |
| | 9. Child protection workforce | |
| | 10. Compensation, remedies and complaints | |
|  | 11. Child helpline | |
| | 12. Reporting hotline | |
| | 13. Education programme | |
| | 14. Child participation | |
|  | 15. Offender support systems | |
| | 16. Notice and takedown procedures | |
| | 17. Child sexual abuse and exploitation reporting | |
|  | 18. Innovative solution development | |
| | 19. Corporate social responsibility | |
| | 20. Ethical and informed media reporting | |
| | 21. Universal terminology | |

-  No information available or available information suggests significant gaps
-  Partly established and/or in progress
-  Largely established
- * Promising example

MALAYSIA

INTERNET AND MOBILE PENETRATION AND USE



Internet users

20.6 million or **68%** of the total population ¹



Mobile connections

42.5 million or **139%** of the total population ²



POLICY AND GOVERNANCE

Leadership

The Ministry of Women, Family and Community Development (MWFC), primarily through the Child Division of the Department of Social Welfare, is the lead agency on child protection. Key policies include the National Policy on Children and its Plan of Action (2009-2015), modelled on the general principles of the CRC, and the National Child Protection Policy and its Plan of Action (2009-2015) focused on the protection of children from all forms of neglect, abuse, violence, and exploitation. The Coordinating Council for the Protection of Children, established under the Child Act 2001, is responsible for the overall management of child protection services. The multi-sectoral Council is chaired by the Director General of Social Welfare.³ MWFC, with the engagement of various other relevant ministries, agencies and government departments, has developed a Plan of Action on Child Online Protection, which was approved in February 2015. The Plan of Action has main objectives and 20 strategies based on four aspects: advocacy, prevention, intervention and support services.

Research, analysis and monitoring

Since 2013, Malaysia has conducted an annual CyberSAFE in Schools National Survey, which provides insights into the extent of exposure to online risk among children and young people, their knowledge of online safety, as well as the measures they take to protect themselves.⁴

This is part of the CyberSAFE in Schools programme – a public-private partnership initiated by the Ministry of Education Malaysia, Digi, CyberSecurity Malaysia and Childline Malaysia. There has not yet been any national situational analysis of child sexual abuse and exploitation.

¹ As of 30 November 2015: <http://www.internetworldstats.com/stats3.htm#asia>, last accessed 8 April 2016.

² As of the fourth quarter of 2015: <https://gsmaintelligence.com/markets/2428/dashboard/>, last accessed 8 April 2016.

³ Child Act 2001, sections 3, 4 and 7.

⁴ http://www.digi.com.my/aboutus/media/press_release_detail.do?id=8600&page=1&year=2014, last accessed 28 October 2015.

CyberSAFE in Schools National Survey: Malaysia

Since 2013, Malaysia has undertaken an annual CyberSAFE in Schools National Survey which provides insights into the extent of exposure to online risk among children and young people and their knowledge of online safety as well as the measures they take to protect themselves. This is part of the CyberSAFE in Schools programme – a public-private partnership initiated by the Ministry of Education Malaysia, Digi, CyberSecurity Malaysia and Childline Malaysia.

Legislation

International commitments: Malaysia has ratified key international conventions related to child sexual abuse and exploitation – although it maintains a number of reservations to the CRC. Malaysia has not signed OP3 CRC.

Domestic legislation: Malaysia has enacted a number of laws related to child sexual abuse and exploitation including the Penal Code (Act 574),⁵ Child Act 2001 (Act 611),⁶ and Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (Act 670).⁷ The Child Act expressly criminalizes the use of a child in ‘child pornography’, but only by a person who is in charge or taking care of a child. The Penal Code does not expressly criminalize ‘child pornography’ but has an offence related to ‘obscene’ articles. The Communications and Multimedia Act 1998 (Act 588),⁸ Printing Press and Publications Act 1998 (Act 301),⁹ and Film Censorship Act 2002 (Act 620)¹⁰ all prohibit acts relating to obscene materials. However, offences related to ‘obscene’ objects attract low penalties and the act of simple possession is not criminalized. The lack of a law expressly criminalizing all acts relating to ‘child pornography’ has been noted with concern by the Committee on the Rights of the Child in 2007¹¹ and this issue has been raised repeatedly by the ILO Committee of Experts since 2004.¹² Under current legislation, sexual grooming of a child is not criminalized. There are also no laws dealing with cyberbullying and no law that requires ISPs to report child abuse materials to law enforcement agencies or other relevant authorities when they learn of it on their own networks.

⁵ <http://www.agc.gov.my/Akta/Vol.%2012/Act%20574.pdf>, last accessed 28 October 2015.

⁶ <http://www.unicef.org/malaysia/Child-Act-2001.pdf>, last accessed 28 October 2015.

⁷ <http://www.agc.gov.my/Akta/Vol.%2014/Act%20670.pdf>, last accessed 28 October 2015.

⁸ <http://www.agc.gov.my/Akta/Vol.%2012/Act%20588.pdf>, last accessed 28 October 2015.

⁹ <http://www.agc.gov.my/Akta/Vol.%207/Act%20301.pdf>, last accessed 28 October 2015.

¹⁰ <http://www.agc.gov.my/Akta/Vol.%2013/Act%20620.pdf>, last accessed 28 October 2015.

¹¹ Committee on the Rights of the Child, “Consideration of reports submitted by State Parties under Article 44 of the Convention, Concluding observations: Malaysia”, CRC/C/MYS/CO/1, 25 June 2007, [99].

¹² Direct Request (CEACR) – adopted 2003, published 92th ILC session (2004); Direct Request (CEACR) – adopted 2005, published 95th ILC session (2006); Direct Request (CEACR) – adopted 2007, published 97th ILC session (2008); Observation (CEACR) – adopted 2008, published 98th ILC session (2009); Observation (CEACR) – adopted 2009, published 99th ILC session (2010); Observation (CEACR) – adopted 2011, published 101st ILC session (2012); Observation (CEACR) – adopted 2012, published 102nd ILC session (2013).



CRIMINAL JUSTICE

Dedicated law enforcement

The Sexual Crime and Children Division (D11) within the Royal Malaysian Police Criminal Investigation Division is responsible for investigating sex crimes against women and children. Although urban areas have excellent coverage for responding to reports, remote areas, in East Malaysia particularly, are greatly underserved, especially in terms of the number of trained D11 personnel available to conduct specialized investigations.¹³ In 2016, a special Child Cyber Sexual Investigation unit was created.¹⁴

Promising example

Specialized law enforcement: Malaysia

The Royal Malaysian Police has a Sexual Crime and Children Division (D11) within its Criminal Investigation Division responsible for the investigation of sexual crimes and domestic violence against women and children. As of 2013, D11 had 27 officers and civilian staff based at its headquarters in Bukit Aman. Approximately three officers staff each of the three of D11's specialized units – the Children's Unit, Domestic Violence Unit, and the Sexual Crimes Unit. D11 operates under MS ISO60 standards, Malaysian Standards, and is formally audited and monitored annually to ensure compliance with international obligations.

Judiciary and prosecutors

Some public prosecutors have not received training on child sexual abuse. This, combined with resource-constraints, can result in cases not being pursued in a timely manner, which can lead to cases being dropped as witnesses and authorities become discouraged with the system.¹⁵

The Evidence of Child Witnesses Act 2007 (Act 676)¹⁶ introduced special measures for court proceedings involving child witnesses under the age of 16, including giving evidence at trials from behind a screen, via live-link, by video recording, and with the assistance of an intermediary. It also allows a child to be accompanied by an adult when giving testimony. Under the Child Act 2001, if a court considers a child victim of certain crimes to be in need of protection, it can make an order temporarily detaining the child

¹³ Ministry of Women, Family and Community Development (MWFCD) and UNICEF Malaysia, "Child protection system in Malaysia: An analysis of the system for prevention and response to abuse, violence and exploitation against children", 2013, p. 88.

¹⁴ SN. Joibi, "Social media users luring children into sexual acts online", <http://www.thestar.com.my/news/nation/2016/05/19/preying-on-young-girls-social-media-users-luring-children-into-sexual-acts-online/>, last accessed 25 May 2016.

¹⁵ MWFCD and UNICEF Malaysia, "Child protection system in Malaysia: An analysis of the system for prevention and response to abuse, violence and exploitation against children", p. 89.

¹⁶ <http://www.agc.gov.my/Akta/Vol.%2014/Act%20676%20-%20Evidence%20of%20Child%20Witness%20Act%202007.pdf>, last accessed 28 October 2015.

in a place of safety until the trial is completed or until the child turns 18. With no guidance on the application of this provision, this can cause court delays that result in lengthy periods of detention for child victims.¹⁷ Judicial capacity to carry out victim-focused proceedings is limited. During 2015, UNICEF developed child justice manuals and conducted training for the judiciary.

Offender management process

The Registration of Criminals and Undesirable Persons Act 1969 (Act 7)¹⁸ requires a register to be kept of people convicted of certain offences. Not all sexual crimes are included and the register is not available for the public. This limits its utility for child protection purposes, as organizations cannot screen the suitability of people who want to work with children.¹⁹ Amendments to Malaysia's Child Act 2001, expected to come into force in 2017, include the development of a registry of persons convicted of crimes against children.²⁰ This will enable potential employers to screen people who want to work with children.²¹

Access to image databases

No information was available about any national image database or Malaysia's access to the INTERPOL ICSE database.



VICTIM

End-to-end support

Malaysia has made notable progress in the development of integrated medico-legal services for responding to reported cases of child abuse and exploitation. Child victims of the most serious forms of violence have access to medical care, psycho-social support, legal advice, and child-sensitive investigative procedures through the establishment of the D11 and comprehensive hospital-based services.²² The emergency response for child victims in Malaysia is reportedly one of the most sophisticated in the region.²³ There are concerns however that the current system focuses almost exclusively upon response to victims, rather than on primary prevention and identification of children and families at risk.²⁴ There is limited capacity and resources to provide follow-up after the initial response.²⁵ Another pressing concern is the differential classification and treatment of child victims of sexual exploitation (compared to child victims of sexual abuse), who have been subjected to temporary detention by the police as well as lengthy periods of deprivation of liberty in places of refuge.²⁶

¹⁷ MWFC and UNICEF Malaysia, "Child protection system in Malaysia: An analysis of the system for prevention and response to abuse, violence and exploitation against children", p. 34.

¹⁸ <http://www.agc.gov.my/Akta/Vol.%201/Act%207.pdf>, last accessed 28 October 2015.

¹⁹ Jennifer Gomez, "No law to deal with Nur Fitri if he views kiddie porn here, lawyers say"; The Malaysian Insider, http://www.malaysianbar.org.my/legal/general_news/no_law_to_deal_with_nur_fitri_if_he_views_kiddie_porn_here_lawyers_say.html, last accessed 28 October 2015.

²⁰ As of May 2016, the Bill has passed both Houses of Parliament and is currently awaiting Royal Assent.

²¹ The Star/Asia News Network, Malaysia to introduce child sex offenders registry, <http://www.thejakartapost.com/news/2016/01/19/malaysia-introduce-child-sex-offenders-registry.html>, last accessed 23 February 2016.

²² MWFC and UNICEF Malaysia, "Child protection system in Malaysia: An analysis of the system for prevention and response to abuse, violence and exploitation against children", 2013, p. 108.

²³ *ibid.* p. 13.

²⁴ *ibid.* p. 108.

²⁵ *ibid.* p. 90.

²⁶ *ibid.* pp. 29, 37.

Child protection workforce

The Child Act requires the setting up of structures at state and district levels for Malaysia's child protection system. The statutory framework is relatively sophisticated,²⁷ however there has been an insufficient allocation of resources to realize the system envisaged under the Act. The limited number of trained Child Protectors under the Department of Social Welfare and broader coordination issues have impeded the optimal development of a child protection system.²⁸ Malaysia approved Social Work Competency Standards in April 2010, bringing the workforce more in line with international standards.²⁹

Compensation, remedies and complaints

Interagency collaboration between Suspected Child Abuse and Neglect Teams within hospitals and Child Protectors has reportedly made reporting easier and less traumatic for children.³⁰ Children may also make reports to Childline Malaysia 15999. While Malaysia has an NHRI, the Committee on the Rights of the Child has noted it does not yet have well-trained and sufficient staff to receive, investigate and address complaints from children.³¹ Access to remedies and complaint mechanisms is also constrained by inadequate legal representation mechanisms available to children. No information was available about children's access to compensation in cases of sexual abuse and exploitation.

Child helpline

Childline Malaysia, a project under Malaysia TV children's programme, is a member of Child Helpline International. Childline Malaysia 15999 is a collaboration between Childline Malaysia and the Government, and is housed within the Department of Social Welfare.



SOCIETAL Reporting hotline

Reports can be made to Childline Malaysia and the NGOs, Protect and Save the Children, and the Befrienders. Reports concerning online child sexual abuse and exploitation can be directed to government mechanisms Cyber999 (via online form, email, SMS, phone or the Cyber999 mobile app), the Communications and Multimedia Content Forum of Malaysia (via hotline, email or online complaints portal), and to the Malaysian Communication and Multimedia Commission (via hotline or email).

²⁷ *ibid.* p. 15.

²⁸ *ibid.* pp. 12-13.

²⁹ MWFC, "Child protection and child welfare services in Malaysia"; Beijing High Level Meeting, 4-6, 2010, http://www.unicef.org/eapro/Malaysia_Beijing_paper_26_Oct_2010_FINAL.pdf, last accessed 23 February 2016.

³⁰ Child Rights Coalition Malaysia, "Status Report on Children's Rights in Malaysia", December 2012, p. 13.

³¹ Committee on the Rights of the Child, "Consideration of reports submitted by State Parties under Article 44 of the Convention, Concluding observations: Malaysia", CRC/C/MYS/CO/1, 25 June 2007, [22].

Education programmes

There have been some campaigns, varying in scale, on ending violence against children in general, including Stop Child Abuse Now!,³² #ENDviolence,³³ and RAGE against Bullying.³⁴ There does not appear to be any specific campaign targeting sexual violence and the Committee on the Rights of the Child has observed that a reluctance to report cases of sexual abuse and exploitation remains due to strong social and cultural taboos.³⁵

In relation to online safety, a number of initiatives are ongoing, including the Ministry of Education's CyberSAFE programme, launched in 2009 in collaboration with CyberSecurity, an agency of the Ministry of Science, Technology and Innovation. In 2011, the mobile service provider Digi joined this initiative as part of a wider educational and research effort to assess the effects of Internet access and use among Malaysian schoolchildren.³⁶ There are also school-based ICT programmes, although online safety is not central to the curricula.³⁷ The Malaysian Communications and Multimedia Commission also runs a Click Wisely campaign for the general public.

Child participation

Malaysia has established a National Child Representative Council which aims to give voice to the rights of children in Malaysia in terms of their life, development, participation and child protection overall. Among the amendments to the Child Act 2001 is the inclusion of two members of the Child Representative Council on the high-level interagency National Council for Children. This would offer an opportunity to realize children's right to participate in decision-making that affects them.³⁸ However, child participation is not yet a widely accepted principle in Malaysia.³⁹

Offender support systems

No information was available about medical, psychological, self-help or other systems in place to support child sex offenders.

There are community-based supervision and rehabilitation programmes for children in contact with the law (not specifically relating to sex offending), however these programmes remain under-resourced and volunteer mechanisms supporting these processes are not functioning effectively.⁴⁰

³² <http://stopchildabuse.unicef.my/index.html>, last accessed 3 December 2015.

³³ http://new.digi.com.my/cs/Satellite/ecommm_C/services/default/Whatshot_ENDviolence_against_children, last accessed 3 December 2015.

³⁴ <http://rageagainstabullying.com/>, last accessed 3 December 2015.

³⁵ Committee on the Rights of the Child, "Consideration of reports submitted by State Parties under Article 44 of the Convention, Concluding observations: Malaysia," CRC/C/MYS/CO/1, 25 June 2007, [57].

³⁶ <http://www.digi.cybersafe.my>, last accessed 3 December 2015.

³⁷ UNICEF Malaysia, "Exploring the digital landscape in Malaysia: Access and use of digital technologies by children and adolescents," p. 51

³⁸ "AG: Children to have greater voice in decision-making under amendments to Child Act 2001";

<http://www.themalaymailonline.com/malaysia/article/ag-children-to-have-greater-voice-in-decision-making-under-amendments-to-ch>, last accessed 23 February 2016.

³⁹ Child Rights Coalition Malaysia, "Status report on children's rights in Malaysia," p. 10.

⁴⁰ MWFC and UNICEF Malaysia, "The Malaysian Juvenile Justice System," 2013.



INDUSTRY

Notice and takedown procedures

The Malaysian Communications and Multimedia Content Code⁴¹ provides guidelines and procedures to be observed by all service providers, through self-regulation, in respect to offensive or indecent content prohibited under section 211 of the Communications and Multimedia Act 1998. ‘Child pornography’ is expressly included within the category of prohibited obscene content (Part 2 of the Code). Adherence by ISPs to the Code is voluntary, unless ISPs are directed to comply pursuant to section 99 of the Communications and Multimedia Act 1998 and Part 1 of the Code. Malaysia reportedly blocks some websites for violating Malaysian laws⁴² but information was not specifically available in relation to child abuse materials.

Child sexual abuse and exploitation reporting

The Communications and Multimedia Act 1998 specifies that the Minister charged with the responsibility for communications and multimedia may make rules to provide for record-keeping and retaining records (section 268). However, rules that specify the data retention period have yet to be published.⁴³

Innovative solution development

In collaboration with INTERPOL and the Royal Malaysian Police, Digi introduced a proprietary blocking and rerouting system in 2013 to prevent the spread of child abuse materials.⁴⁴

Corporate social responsibility

There has been work to promote the Child Rights and Business Principles with companies. UNICEF has conducted training for industry associations, chambers of commerce and trade unions, and for businesses involved in real estate, manufacturing and processing, agriculture, oil, gas, services and transportation.

In relation to the ICT industry, Telenor, Digi and UNICEF Malaysia published an online safety guide in 2015 for parents.⁴⁵



MEDIA AND COMMUNICATIONS

Ethical and informed media reporting

The media is active in reporting crimes against children; however, the reporting is not always child-sensitive. UNICEF has conducted training for the media and also shared available guidelines.

Universal terminology

No information was available.

⁴¹ <http://www.skmm.gov.my/skmmgovmy/files/attachments/ContentCode.pdf>, last accessed 29 October 2015.

⁴² Freedom House, “Freedom on the Net 2014: Malaysia,” 2014, <https://freedomhouse.org/report/freedom-net/2014/malaysia>, last accessed 29 October 2015.

⁴³ The World Bank and International Centre for Missing & Exploited Children, “Protection Children from Cybercrime: Legislative Responses in Asia to Fight Child Pornography, Online Grooming and Cyberbullying,” 2015, p. 186.

⁴⁴ http://www.digi.com.my/digicybersafe/stop_child_abuse.html, last accessed 28 October 2015.

⁴⁵ Digi, UNICEF, Telenor Group, “How to talk to your children about the Internet: A parent’s guide,” 2015, http://www.unicef.org/malaysia/A_Guide_-_Talk_to_your_children_about_the_internet.PDF, last accessed 18 October 2015.

Table 13: Country snapshot – Malaysia

| Domains | Components | |
|---|---|---|
|  POLICY AND GOVERNANCE | 1. Leadership | * |
| | 2. Research, analysis and monitoring | * |
| | 3. Legislation | |
|  CRIMINAL JUSTICE | 4. Dedicated law enforcement | * |
| | 5. Judiciary and prosecutors | |
| | 6. Offender management process | |
| | 7. Access to image databases | |
|  VICTIM | 8. End-to-end support | |
| | 9. Child protection workforce | |
| | 10. Compensation, remedies and complaints | |
| | 11. Child helpline | |
|  SOCIAL | 12. Reporting hotline | |
| | 13. Education programme | |
| | 14. Child participation | |
|  INDUSTRY | 15. Offender support systems | |
| | 16. Notice and takedown procedures | |
| | 17. Child sexual abuse and exploitation reporting | |
| | 18. Innovative solution development | * |
| | 19. Corporate social responsibility | * |
|  MEDIA AND COMMUNICATIONS | 20. Ethical and informed media reporting | |
| | 21. Universal terminology | |

| | |
|---|---|
|  | No information available or available information suggests significant gaps |
|  | Partly established and/or in progress |
|  | Largely established |
| * | Promising example |

MYANMAR

INTERNET AND MOBILE PENETRATION AND USE



Internet users

7.1 million or **13%** of the total population ¹



Mobile connections

37.5 million or **69%** of the total population ²



POLICY AND GOVERNANCE

Leadership

The Ministry of Social Welfare, Relief and Resettlement, primarily through the Department of Social Welfare, has lead responsibility for child protection. A National Committee on the Rights of the Child was established in 1993 to coordinate all efforts related to the implementation of the CRC, however the Committee on the Rights of the Child has raised concerns about its sustainability, mandate and resources.³ The Committee on the Rights of the Child has also noted that limited human and financial resources have been allocated to implement the National Plan for Children (2006-2015), and there is no proper mechanism to monitor its implementation.⁴

Research, analysis and monitoring

There does not appear to be any national situation analysis of child sexual abuse and exploitation. The Committee on the Rights of the Child has observed a lack of methodological coherence in data collection generally and an absence of disaggregated data on areas covered by the CRC.⁵

Legislation

International commitments: Myanmar has ratified key international conventions relating to child sexual abuse and exploitation, except for OP3 CRC.

Domestic legislation: Myanmar has enacted a number of laws related to child sexual abuse and exploitation including the Child Law ⁶ (1993), Penal Code ⁷ (1860), Anti-Trafficking in Persons Law ⁸ (2005) and Law Amending the Suppression of Prostitution Act 1949 ⁹ (1998). The Child Law criminalizes the use of a child in 'pornography' and the Penal Code criminalizes acts relating to 'obscene' objects. The Electronic Transactions Law ¹⁰ (2004) makes it an offence to distribute information via electronic technology 'to be

¹ As of 30 November 2015: <http://www.internetworldstats.com/stats3.htm#asia>, last accessed 8 April 2016.

² As of the fourth quarter of 2015: <https://gsmaintelligence.com/markets/2274/dashboard/>, last accessed 8 April 2016.

³ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Myanmar," CRC/C/MMR/CO/3-4, 14 March, 2012. [11].

⁴ *ibid.* [13].

⁵ *ibid.* [23].

⁶ <http://www.refworld.org/docid/3efb0e5b7.html>, last accessed 18 September 2015.

⁷ http://www.burmalibrary.org/docs6/MYANMAR_PENAL_CODE-corr.1.pdf, last accessed 18 September 2015.

⁸ http://www.no-trafficking.org/content/pdf/antitrafficking_in_persons_law_english.doc, last accessed 18 September 2015.

⁹ http://www.no-trafficking.org/content/pdf/prostitution_act.pdf, last accessed 18 September 2015.

¹⁰ <http://www.ibiblio.org/obl/docs/Electronic-transactions.htm>, last accessed 18 September 2015.

detrimental to the interest of or to lower the dignity of any organization or any person' (section 34(d))¹¹ and also makes electronic evidence admissible in court. Despite these laws, a number of key gaps remain. There is no definition of 'child pornography' and not all relevant acts are criminalized. The sexual grooming of children is not criminalized. There are currently no laws dealing with cyberbullying and no law that requires ISPs to report child abuse materials to law enforcement agencies or other relevant authorities when they learn of it on their own networks.



CRIMINAL JUSTICE

Dedicated law enforcement

The Anti-Trafficking Task Force of the Myanmar Police Force is responsible for anti-trafficking work, including for children. The Anti-Trafficking Task Force has set up child protection units in Yangon, Mandalay and Nay Pyi Taw. An Information Technology Unit was reportedly set up in 2007 to combat 'cybercrime in the future'.¹²

Judiciary and prosecutors

No information was available about the capacity of judiciary and prosecutors to conduct child-friendly proceedings. There was also no evidence of positive judicial outcomes for cases of child sexual abuse and exploitation. UNICEF has supported some work in this area, including the improvement of child-friendly judicial proceedings through the training school of the Supreme Court.¹³

Offender management process

No information was available about systems in place to manage child sex offenders and to prevent re-offences.

Access to image databases

No information was available about any national image database or Myanmar's access to the INTERPOL ICSE database.



VICTIM

End-to-end support

The Committee on the Rights of the Child has raised concerns that child victims have limited access to appropriate recovery and reintegration programmes and services, and that some children that are sexually exploited are not always treated as victims.¹⁴

Child protection workforce

There is a lack of resources for social welfare services, which are generally of poor quality. National capacity for social work needs strengthening.¹⁵

¹¹ This legislation was cited in a media article about online sexual offending: <http://www.mmtimes.com/index.php/national-news/15904-cyber-sex-offenders-to-get-time.html>, last accessed 18 September 2015.

¹² http://news.xinhuanet.com/english/2007-09/03/content_6654315.htm, last accessed 18 September 2015.

¹³ http://www.unicef.org/myanmar/protection_24171.html, last accessed 18 September 2015.

¹⁴ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Myanmar," CRC/C/MMR/CO/3-4, 14 March 2012. [90].

¹⁵ United Nations Children's Fund and Ministry of National Planning and Economic Development, "Situation Analysis of Children in Myanmar," p. 137.

Compensation, remedies and complaints

Children have procedural capacity to bring a complaint under the Child Law, however it is unknown if this has been utilized in practice. Children could also file a complaint with the Myanmar National Human Rights Commission, which includes a special division for children's rights.¹⁶ However the Committee on the Rights of the Child has noted that the NHRI does not have adequate financial resources to ensure its independence and efficiency.¹⁷ The Committee on the Rights of the Child has also observed that child victims and/or witnesses of crime are not always provided with the protection required by the CRC and the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.¹⁸ No information was available on children's access to compensation or remedies in cases of sexual abuse and exploitation.

Child helpline

There does not appear to be a child helpline in Myanmar.



SOCIETAL

Reporting hotline

Reports can be made to Anti-Human Trafficking Hotlines. No information was available on the capacity of the Myanmar Computer Emergency Response Team (mmCERT)¹⁹ to refer or respond to cases of online child sexual abuse and exploitation.

Education programmes

There does not appear to be any education programme on child sexual abuse and exploitation or online safety.

Child participation

The Committee on the Rights of the Child has noted that traditional attitudes towards children in society continue to limit respect for their views. There does not appear to be any example of measures taken to ensure that the views of the child are given due consideration.²⁰

Offender support systems

There does not appear to be any support system in place for sex offenders.

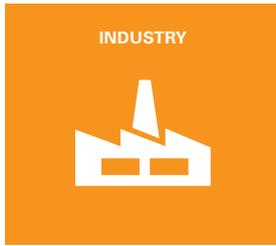
¹⁶ <http://mnhrc.org.mm/en/complaints/>, last accessed 18 September 2015.

¹⁷ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Myanmar," CRC/C/MMR/CO/3-4, 14 March 2012. [15].

¹⁸ *ibid.* [95].

¹⁹ http://www.itu.int/en/ITU-D/Cybersecurity/Documents/Country_Profiles/Myanmar.pdf, last accessed 18 September 2015.

²⁰ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Myanmar," CRC/C/MMR/CO/3-4, 14 March 2012. [39].



INDUSTRY

Notice and takedown procedures

There do not appear to be any guidelines to remove and block online child sexual abuse material. As of mid-2013, sites hosting previously filtered content about pornography or drugs were reportedly no longer blocked.²¹ It is unknown if this included 'child pornography'.

Child sexual abuse and exploitation reporting

There do not appear to be any guidelines for industry to preserve data (content-based or non-content based) or to provide such material to law enforcement.

Innovative solution development

There do not appear to be any examples of industry innovation to address local issues.

Corporate social responsibility

There do not appear to be any examples of effective and monitored child-focused CSR programmes.



MEDIA AND COMMUNICATIONS

Ethical and informed media reporting

In 2004, UNICEF published the Myanmar Reporter's Manual and journalists developed a Journalists' Code of Ethics for reporting on children.²² No information was available about the extent of ethical and informed media reporting.

Universal terminology

No information was available.

²¹ <https://freedomhouse.org/report/freedom-net/2013/myanmar>, last accessed 18 September 2015.

²² http://www.unicef.org/myanmar/communication_1468.html, last accessed 18 September 2015.

Table 14: Country snapshot – Myanmar

| Domains | Components |
|---|---|
|  | 1. Leadership |
| | 2. Research, analysis and monitoring |
| | 3. Legislation |
|  | 4. Dedicated law enforcement |
| | 5. Judiciary and prosecutors |
| | 6. Offender management process |
|  | 7. Access to image databases |
| | 8. End-to-end support |
| | 9. Child protection workforce |
|  | 10. Compensation, remedies and complaints |
| | 11. Child helpline |
| | 12. Reporting hotline |
|  | 13. Education programme |
| | 14. Child participation |
| | 15. Offender support systems |
|  | 16. Notice and takedown procedures |
| | 17. Child sexual abuse and exploitation reporting |
| | 18. Innovative solution development |
| | 19. Corporate social responsibility |
| | 20. Ethical and informed media reporting |
| | 21. Universal terminology |

-  No information available or available information suggests significant gaps
-  Partly established and/or in progress
-  Largely established
- * Promising example

PHILIPPINES

INTERNET AND MOBILE PENETRATION AND USE



Internet users

47.1 million or **43%** of the total population and **3%** of total users in Asia¹



Mobile connections

118.6 million or **117%** of the total population²



POLICY AND GOVERNANCE

Leadership

The Council for the Welfare of Children (CWC) is the lead inter-agency body for child protection. The Inter-Agency Council Against Child Pornography (IACACP) is the body primarily tasked to coordinate, monitor and oversee the implementation of the Anti-Child Pornography Act of 2009. To address concerns about duplication, a Convergence of Councils and Committees for Child Protection was established to adopt a system of collaboration and coordination. The Convergence includes the CWC, IACACP, Interagency Council Against Trafficking (IACAT), Committee for the Special Protection of Children, the Department of Justice Office of Cybercrime (DOJ-OOC) and others.³

The overarching long-term development framework on children is the National Strategic Framework for Plan Development for Children 2000-2025 or 'Child 21'. Four time-bound National Plans of Action (NPAs) for children have been developed to realize Child 21.

Promising example

Convergence of Councils and Committees: Philippines

Various inter-agency bodies have been established through legislation with separate plans and budgets to implement and monitor child protection. In July 2012, the Council for the Welfare of Children (CWC) held a Summit of Inter-Agency Councils and Committees to develop a system of collaboration and coordination between various councils and committees. There now exists a Convergence of Councils and Committees for Child Protection, which includes representatives from law enforcement and investigation agencies, social services, information technology offices, NGOs and other relevant groups. The CWC, Inter-Agency Council against Child Pornography, Interagency Council Against Trafficking, Committee for the Special Protection of Children, and the Office of Cybercrime of the Department of Justice are all represented.

¹ As of 30 November 2015: <http://www.internetworldstats.com/stats3.htm#asia>, last accessed 8 April 2016.

² As of the fourth quarter of 2015: <https://gsmaintelligence.com/markets/2659/dashboard/>, last accessed 8 April 2016.

³ Republic of the Philippines, "Philippine Country Report," Regional Conference on Online Child Protection: Towards an Integrated Systems Approach, Putrajaya, Malaysia, 24-25 March 2015.

Research, analysis and monitoring

While various agencies are involved in the collection of data, the Committee on the Rights of the Child has observed that there is no comprehensive data collection system and a lack of appropriately disaggregated data and research.⁴ The Committee on the Rights of the Child has also noted that a regular monitoring mechanism at the local level to assess the implementation and impact of the NPAs is lacking.⁵ The Philippines undertook its first national prevalence study on violence against children in 2015, led by the CWC in cooperation with UNICEF, the Child Protection Network, Consuelo Alger-Zobel Foundation and the University of the Philippines Manila. In relation to children's online behaviour, UNICEF has commissioned the University of the Philippines Manila – National Institute of Health to localize and implement the 'EU Kids Online Survey', which aims to ultimately provide an overview of children's online access, use, risk, coping and safety awareness in pilot areas. UNICEF is also supporting the Philippines in undertaking a comprehensive study on the scope and trends of online child abuse and exploitation. This will be the first of its kind in the country, following some smaller scale studies including on online risks children encounter by NGO Stairway Foundation, and in the region.

Legislation

International commitments: The Philippines has ratified key international conventions relating to child sexual abuse and exploitation, except OP3 CRC. It is currently considering ratification of the Budapest and Lanzarote Conventions.

Domestic legislation: The laws in the Philippines relating to online child abuse and exploitation are seen as a leading example in the region. Republic Act No. 9775, Anti-Child Pornography Act of 2009,⁶ prohibits the production, offering, distribution and possession⁷ of 'child pornography' (section 4). Sexual grooming of a child is criminalized (section 4) and is defined as 'the act of preparing a child, or someone who the offender believes to be a child, for sexual activity or a sexual relationship by communicating any form of child pornography. It includes online enticement or enticement through any other means' (section 3). Republic Act No. 10175, Cybercrime Prevention Act of 2012,⁸ increases the penalties of offences in the Anti-Child Pornography Act when they are committed through a computer system (sections 4 and 8).

Related provisions are included in the Republic Act No. 3815 Revised Penal Code;⁹ Republic Act No. 7610, Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act;¹⁰ Republic Act No. 9208, Anti-trafficking in Persons Act of 2003;¹¹ Republic Act No. 9231, An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger

⁴ Committee on the Rights of the Child, "Concluding Observations and Recommendations on the Initial Report of the Philippines, Submitted Under Article 12 of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography," CRC/C/OPSC/PHL/CO/1, 26 June 2013, [7].

⁵ *ibid.* [11] and [14].

⁶ http://www.lawphil.net/statutes/repacts/ra2009/ra_9775_2009.html, last accessed 17 September 2015.

⁷ The Act prohibits possession 'with the intent to sell, distribute, publish, or broadcast: Provided. That possession of three (3) or more articles of child pornography of the same form shall be prima facie evidence of the intent to sell, distribute, publish or broadcast' (section 4).

⁸ http://www.lawphil.net/statutes/repacts/ra2012/ra_10175_2012.html, last accessed 17 September 2015. The legislation was subject to a constitutional challenge and had an indefinite restraining order until the petitions challenging constitutionality were resolved in February 2014: Department of Justice, Office of Cybercrime, "Philippines 2014-2015 Cybercrime Report: the Rule of Law in Cyberspace." p. 12.

⁹ http://www.lawphil.net/statutes/acts/act_3815_1930.html, last access 17 September 2015.

¹⁰ http://www.lawphil.net/statutes/repacts/ra1992/ra_7610_1992.html, last accessed 17 September 2015.

¹¹ http://www.lawphil.net/statutes/repacts/ra2003/ra_9208_2003.html, last accessed 17 September 2015.

Protection for the Working Child¹² (amending the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act); Republic Act No. 10365, An Act Further Strengthening the Anti-Money Laundering Law;¹³ and the Republic Act No. 9995, Anti-Photo and Voyeurism Act of 2009.¹⁴ The Committee on the Rights of the Child has raised concerns that one key weakness of the legislation in the Philippines is that the minimum age of consent is set at 12 years old, which increases ‘the vulnerability of children to prostitution and pornography.’¹⁵ A Bill to raise the age of consent to 16 years old¹⁶ was not passed by the most recent Congress as of May 2016.

Republic Act No. 10627, Anti-Bullying Act of 2013,¹⁷ deals with cyberbullying and requires schools to develop and implement anti-bullying policies, and requires the Department of Education to issue administrative sanctions for non-compliance. Acts of bullying include ‘cyberbullying or any bullying done through the use of technology or any electronic means’ (section 2).



CRIMINAL JUSTICE

Dedicated law enforcement

Specialized units: The Philippine National Police Anti-Cybercrime Group (PNP-ACG) investigates all cybercrimes and other crimes in which ICT is used. PNP-ACG also maintains Project AngelNet – an information campaign about online abuse. The National Bureau of Investigation Cybercrime Division is tasked with investigating all cyber-related crimes and maintaining an Incident Response Team and Digital Forensic Section. Officers have participated in training on relevant laws and skills building on forensic examination and investigation in line with international best practices.¹⁸ The Committee on the Rights of the Child has raised concerns that law enforcement authorities lack the capacity to apply child-sensitive investigation procedures or do not systematically do so.¹⁹ Law enforcement is also hampered by procedural limitations, including the inability to obtain quick search warrants, utilize telephone intercepts, use listening devices and conduct tape-recorded interviews.

International collaboration: The DOJ-OOC is designated as the central authority in all matters relating to international mutual assistance and extradition for cybercrime cases and is tasked with monitoring and reviewing cybercrime and cyber-related cases being handled by the National Bureau of Investigation and the Philippine National Police. DOJ-OOC was provided with access to the Virtual Private Network of NCMEC in April 2014. DOJ-OOC is notified when NCMEC receives a report that has a Philippine nexus through its CyberTipline.²⁰ The Philippine Center on Transnational

¹² http://www.lawphil.net/statutes/repacts/ra2003/ra_9231_2003.html, last accessed 17 September 2015.

¹³ http://www.lawphil.net/statutes/repacts/ra2013/ra_10365_2013.html, last accessed 17 September 2015.

¹⁴ http://www.lawphil.net/statutes/repacts/ra2010/ra_9995_2010.html, last accessed 17 September 2015.

¹⁵ Committee on the Rights of the Child, “Concluding Observations and Recommendations on the Initial Report of the Philippines, Submitted Under Article 12 of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography,” CRC/C/OPSC/PHL/CO/1, 26 June 2013, [9].

¹⁶ UNICEF, “Legal Protection From Violence: Analysis of Domestic Laws Related to Violence Against Children in ASEAN Member States,” 2015, p. 112.

¹⁷ http://www.lawphil.net/statutes/repacts/ra2013/ra_10627_2013.html, last accessed 17 September 2015.

¹⁸ Republic of the Philippines, “Philippine Country Report.”

¹⁹ Committee on the Rights of the Child, “Concluding Observations and Recommendations on the Initial Report of the Philippines, Submitted Under Article 12 of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography,” CRC/C/OPSC/PHL/CO/1, 26 June 2013, [37], [29].

²⁰ <http://www.missingkids.com/cybertipline/>. From April to December 2014, the Office received 12,374 reports of child exploitation where either the offended party or the offender was in the Philippines. All these NCMEC reports were shared with other enforcement agencies, particularly with the IACAT and IACAP: Department of Justice, Office of Cybercrime, “Philippines 2014-2015 Cybercrime Report: the Rule of Law in Cyberspace.” p. 25.

Crime houses INTERPOL Philippines and carries out investigations that have implications for the Philippines outside of its borders.²¹ The Philippines is also part of the #WePROTECT Global Alliance.

Judiciary and prosecutors

There are plans to set up cybercrime courts that will employ experts with special skills and knowledge about cybercrime and the handling of electronic evidence. These special courts will exclusively handle cybercrime cases to expedite trials.²² The Committee on the Rights of the Child has raised concerns about issues of corruption and impunity in cases of child sexual abuse and exploitation.²³ The Committee has also highlighted a heavy reliance on the participation of child victims to prosecute crimes, which often results in non-reporting of cases, withdrawal of complaints and retraction of statements.²⁴ The Committee has also noted that not all prosecutors and judges are familiar with the Rules on Examination of a Child Witness.²⁵

Offender management process

No information was available about systems in place to manage child sex offenders and to prevent re-offences.

Access to image databases

DOJ-OOC was introduced to INTERPOL's ICSE image database in May 2014. INTERPOL has invited the Philippines to be connected with the ICSE and DOJ-OOC has been nominated as the responsible national unit.²⁶



VICTIM

End-to-end support

Some multi-disciplinary mechanisms to respond to child abuse have been created, such as the Protocol on Case Management of Children Victims of Abuse and Exploitation.²⁷ However, challenges remain in the effective delivery of integrated services for child victims. The Committee on the Rights of the Child has observed that child victims do not always have the support of child psychologists and/or a guardian to guide and accompany them throughout the criminal justice process.²⁸ Moreover, child victim and witness protection programmes are limited.²⁹

Child protection workforce

Social workers are regulated through the Professional Regulation Commission. No information was available about the capacity and effectiveness of the child protection workforce.

²¹ An operation by the Philippine National Police led to the arrest of eight suspects accused of running an online sexual extortion ring which blackmailed victims across Asia after luring them into engaging in cybersex activities and recording them: <http://www.interpol.int/News-and-media/News/2014/N2014-075>, last accessed 18 September 2015.

²² Republic of the Philippines, "Philippine Country Report."

²³ Committee on the Rights of the Child, "Concluding Observations and Recommendations on the Initial Report of the Philippines, Submitted Under Article 12 of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography," CRC/C/OPSC/PHL/CO/1, 26 June 2013, [37], [29].

²⁴ *ibid.*

²⁵ *ibid.*, [37]-[38]

²⁶ Department of Justice, Office of Cybercrime, "Philippines 2014-2015 Cybercrime Report: the Rule of Law in Cyberspace," pp. 25-6.

²⁷ Republic of the Philippines, "Philippine Country Report."

²⁸ Committee on the Rights of the Child, "Concluding Observations and Recommendations on the Initial Report of the Philippines, Submitted Under Article 12 of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography," CRC/C/OPSC/PHL/CO/1, 26 June 2013, [37]-[38].

²⁹ *ibid.*

Compensation, remedies and complaints

Child victims reportedly have access to free legal services including information about their rights, and the procedure for filing complaints, claims for compensation and other legal remedies available to them in a child-friendly language.³⁰ No information was available about the accessibility or effectiveness of these mechanisms, or about children's access to compensation or remedies. While the Child Rights Center of the Commission on Human Rights is mandated under Republic Act No. 9344, Juvenile Justice and Welfare Act,³¹ to ensure that children's rights are upheld (section 11), operationalization has been limited due to budgetary and resource constraints.

Child helpline

Bantay Bata 163, part of ABS-CBN Foundation, is a toll-free 24-hour service for children. It is a member of Child Helpline International. Children can access the helpline online as well as via text message.³²



SOCIETAL

Reporting hotline

Reports may be made to Bantay Bata 163 and to the national emergency police hotline (117). Reports may also be made to different police divisions including the Women's Crisis and Child Protection Office, and the Criminal Investigation and Detection Group for Cyber Crime.³³ ECPAT Philippines has commenced discussions with INHOPE in order to establish a dedicated online reporting mechanism for cases of online child abuse and exploitation.

Education programmes

There are examples of public awareness campaigns and education programmes about online child abuse and exploitation including those by the DOJ-OOC, IACACP and the Philippine National Police Anti-Cybercrime Group.³⁴ The Committee on the Rights of the Child has noted that there has not been any intensive awareness-raising activities through mass media and community participation to change attitudes about sexual violence, including online abuse and exploitation.³⁵ UNICEF is currently supporting efforts to integrate cybersafety into school curriculums with lesson plans for teachers through a partnership with the Stairway Foundation and in conjunction with the Department of Education and the UK National Crime Agency's CEOP Command (formerly the Child Exploitation and Online Protection Centre). UNICEF is also partnering with the Ateneo Human Rights Center to conduct a ChildTALK programme on cybersafety, targeting children aged 12-17 years.

Child participation

The CWC Board adopted a National Framework on Child and Youth Participation in 2004. In 2009, the Committee on the Rights of the Child

³⁰ Republic of the Philippines, "Philippine Country Report", p. 5.

³¹ http://www.lawphil.net/statutes/repacts/ra2006/ra_9344_2006.html, last accessed 17 February 2016.

³² <http://www.abs-cbnfoundation.com/bb163/>, last accessed 17 September 2015.

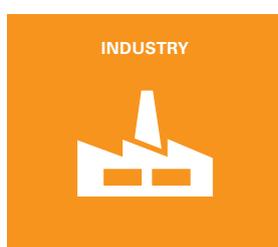
³³ <http://pnp.gov.ph/portal/index.php/contact-us/essential-telephone-numbers>, last accessed 17 September 2015.

³⁴ Republic of the Philippines, "Philippine Country Report."

³⁵ Committee on the Rights of the Child, "Concluding Observations and Recommendations on the Initial Report of the Philippines, Submitted Under Article 12 of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography," CRC/C/OPSC/PHL/CO/1, 26 June 2013, [22].

recommended the Philippines strengthen efforts to promote and facilitate child participation.³⁶ In 2014, the CWC published a Guidebook on Child Participation for government and non-government stakeholders.

In 2015, UNICEF, in partnership with the Child Protection Network and the Salesians of St. John Bosco, conducted a youth conference in Cebu, a known hotspot of online child sexual exploitation, to develop a platform for advocacy amongst the youth to tackle online child exploitation. As a result, youth delegates presented their call for an ordinance to enhance online protection to three city councils. Plans are underway for children to be involved in the multi-sectoral response plan on violence against children, following the findings of the national Violence against Children survey, which included a component on online abuse. A children's conference will be organized for the first quarter of 2016. NGOs, Stairway Foundation and ECPAT Philippines, have been actively engaging children in their initiatives to address online child sexual abuse and exploitation.



INDUSTRY

Notice and takedown procedures

Upon discovery that their servers or facilities are being used to commit offences related to 'child pornography', service providers must notify a law enforcement agency within 7 days (Anti-Child Pornography Act, section 9). ISPs are also obligated to install software designed to filter and block child abuse materials. Mall owners/operators, owners or lessors of other business establishments, including photo developers, information technology professionals, credit card companies, banks and Internet content hosts, all have mandatory reporting obligations (sections 10, 11). The local government unit of the city or municipality where an Internet café or kiosk is located has the authority to monitor and regulate the establishments to prevent violations of the Act (section 12). The National Telecommunication Commission's Memorandum Circular No. 01-01-2014 provides guidelines for ISPs to install filtering software to block access to or the transmission of 'child pornography'.³⁷ Despite this, none of the major ISPs have reportedly installed such software. There are also efforts to develop software for blocking and filtering websites containing pornography.³⁸

Child sexual abuse and exploitation reporting

ISPs must preserve evidence for use in criminal proceedings and give details of users who access or attempt to access websites containing 'child pornography' following a request from the police (Anti-Child Pornography Act, section 9). The integrity of traffic data and subscriber information must be retained and preserved by ISPs for a minimum period of six months (Rules and Regulations Implementing Republic Act No. 10175, Cybercrime Prevention Act, section 12).³⁹ Content data must also be kept for a minimum of six months on receipt of an order from law enforcement. In certain cases, an order for a one-time extension for another six months may be granted.

³⁶ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: the Philippines," CRC/C/PHL/CO/3-4, 22 October 2009. [35].

³⁷ Department of Justice, Office of Cybercrime, "Philippines 2014-2015 Cybercrime Report: the Rule of Law in Cyberspace." p. 21.

³⁸ <http://www.abs-cbnnews.com/nation/07/17/15/ntc-issues-guidelines-filter-online-child-porn>, last visited 16 September 2015.

³⁹ https://www.doj.gov.ph/files/cybercrime_office/Rules_and_Regulations_Implementing_Republic_Act_10175.pdf, last accessed 13 January 2016.

Innovative solution development

There do not appear to be any examples of industry innovation to address local issues. UNICEF's partnership with Ateneo Human Rights Center includes the delivery of training to 35 members of Globe Telecom, one of the largest ISPs, on children's rights and business principles, which aims to result in the development of a relevant code of conduct to guide the ISP.

Corporate social responsibility

There do not appear to be any examples of effective and monitored child-focused CSR programmes.



MEDIA AND COMMUNICATIONS

Ethical and informed media reporting

In 2008, the Philippines' Special Committee for the Protection of Children released a revised Guide for Media Practitioners on the Reporting and Coverage of Cases Involving Children.⁴⁰ However, in practice, there are concerns about child-sensitive reporting. The Committee on the Rights of the Child has noted that children's privacy in the criminal justice process is not always respected and children are sexualized in the mainstream media.⁴¹

Universal terminology

No information was available.

⁴⁰ http://www.unicef.org/philippines/FINAL_COPY_OF_THE_GUIDE_FOR_MEDIA_PRACTITIONERS.pdf, last accessed 17 September 2015.

⁴¹ Committee on the Rights of the Child, "Concluding Observations and Recommendations on the Initial Report of the Philippines, Submitted Under Article 12 of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography," CRC/C/OPSC/PHL/CO/1, 26 June 2013, [38]

Table 15: Country snapshot – Philippines

| Domains | Components | |
|---|---|---|
|  | 1. Leadership | * |
| | 2. Research, analysis and monitoring | |
| | 3. Legislation | * |
|  | 4. Dedicated law enforcement | |
| | 5. Judiciary and prosecutors | |
| | 6. Offender management process | |
| | 7. Access to image databases | * |
|  | 8. End-to-end support | |
| | 9. Child protection workforce | |
| | 10. Compensation, remedies and complaints | |
| | 11. Child helpline | |
|  | 12. Reporting hotline | |
| | 13. Education programme | |
| | 14. Child participation | * |
| | 15. Offender support systems | |
|  | 16. Notice and takedown procedures | * |
| | 17. Child sexual abuse and exploitation reporting | * |
| | 18. Innovative solution development | |
| | 19. Corporate social responsibility | |
|  | 20. Ethical and informed media reporting | |
| | 21. Universal terminology | |

| | |
|---|---|
|  | No information available or available information suggests significant gaps |
|  | Partly established and/or in progress |
|  | Largely established |
| * | Promising example |

SINGAPORE

INTERNET AND MOBILE PENETRATION AND USE



Internet users

4.6 million or **82%** of the total population ¹



Mobile connections

8.2 million or **146%** of the total population ²



POLICY AND GOVERNANCE

Leadership

The Ministry of Social and Family Development (MSF) is the lead agency for child protection. The MSF chairs an Inter-Ministry Work Group on Child Protection and co-chairs the inter-agency Family Violence Dialogue Group with the Singapore Police Force. There is also an Inter-Ministry Cyber Wellness Steering Committee overseeing cyberwellness public education (discussed further below). Singapore does not have a comprehensive NPA for the implementation of the CRC. While various sectoral strategies concerning children have been developed, the Committee on the Rights of the Child has observed that these are rarely accompanied by concrete action plans for implementation.³

Research, analysis and monitoring

There does not appear to be any national situational analysis of child sexual abuse and exploitation. The Committee on the Rights of the Child has noted there is insufficient data on violence against children, including child sexual exploitation, and no effective and systematic monitoring mechanism.⁴

Legislation

International commitments: While Singapore has ratified some key international conventions relating to child sexual abuse and exploitation, it has not signed the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography, or OP3 CRC, and it maintains a number of declarations and reservations to the CRC.

Domestic legislation: Singapore has enacted a number of laws that address child sexual abuse and exploitation including the Penal Code

¹ As of 30 November 2015: <http://www.internetworldstats.com/stats3.htm#asia>, last accessed 8 April 2016.

² As of the fourth quarter of 2015: <https://gsmaintelligence.com/markets/3077/dashboard/>, last accessed 8 April 2016.

³ Committee on the Rights of the Child, "Consideration of Reports submitted by State Parties under Article 44 of the Convention, Concluding Observations: Singapore," CRC/C/SGP/CO/2-3, 4 May 2011, [10], [12].

⁴ *ibid.* [16], [65].

(Chapter 224), Films Act (Chapter 107), Undesirable Publications Act (Chapter 338), Prevention of Human Trafficking Act 2014, and Children and Young Persons Act (Chapter 38).⁵ However, these laws do not cover the full range of prohibitions contained in Article 3(b) of ILO Convention No. 182, specifically relating to the use, procurement or offer of a child under 18 years for the production of pornography or for pornographic performances.⁶ Sexual grooming of a person under 16 years of age by any person of or above 21 years of age is criminalized under the Penal Code (section 376E). Cyberbullying is addressed in the Protection from Harassment Act (Chapter 256A). There is no law that requires ISPs to report child abuse materials to law enforcement agencies or other relevant authorities when they learn of it on their own networks.



CRIMINAL JUSTICE

Dedicated law enforcement

Specialized unit: The Singapore Police Force has specialized units, including the Serious Sexual Crime Branch under the Criminal Investigation Department, where officers have received specialized training concerning sexual crimes.⁷ Depending on the specific offence, the Serious Sexual Crimes Branch or the Violence against Persons Specialist Teams at the respective land divisions are responsible for investigating sex crimes committed against children. Singapore's Cybercrime Command, established in 2015, includes online crimes against children. The Committee on the Rights of the Child has raised concerns that limited action has been taken to combat child sexual abuse and exploitation, and that perpetrators continue to enjoy impunity.⁸

International collaboration: The Singapore Police Force collaborates regionally and internationally to combat cybercrime, including online child sexual exploitation, through ASEANPOL and INTERPOL. In April 2015, INTERPOL opened the Global Complex for Innovation in Singapore, which includes a forensics laboratory to support digital crime investigations and research on the tactics and behaviours of cybercriminals.⁹

Judiciary and prosecutors

The judicial system in Singapore is reportedly sensitive to the needs of the child. Court counsellors and psychologists reportedly work closely with children to secure their best interests. The courts may exempt a child from court proceedings if it is in the child's best interest. The Family Justice Courts also may now appoint a Child Representative in court proceedings involving children to represent the best interests and the voice of the child. There was no information available about positive judicial outcomes for cases of child sexual abuse and exploitation.

⁵ These laws were accessed from <http://statutes.agc.gov.sg/aol/home.w3p>, last accessed 3 November 2015.

⁶ Committee on the Rights of the Child, "Consideration of Reports submitted by State Parties under Article 44 of the Convention, Concluding Observations: Singapore", CRC/C/SGP/CO/2-3, 4 May 2011, [64].

⁷ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention: Second and third periodic reports of States parties due in 2007, Singapore", CRC/C/SGP/2-3, 26 July 2010, [485].

⁸ Committee on the Rights of the Child, "Consideration of Reports submitted by State Parties under Article 44 of the Convention, Concluding Observations: Singapore", CRC/C/SGP/CO/2-3, 4 May 2011, [64].

⁹ AFP, "Interpol office in Singapore boosts fight against cybercrime", 13 April 2015, <http://digital.asiaone.com/digital/news/interpol-office-singapore-boosts-fight-against-cyber-crime>, last accessed 3 November 2015.

Offender management process

The Ministry of Education and relevant agencies work with police to ensure persons convicted of selected offences cannot be employed in certain vocations that would put children at risk.¹⁰ The Singapore Prison Service administers the sex offender intervention programme, which seeks to reduce re-offences and enhance self-management of sex offending behaviour.¹¹

Access to image databases

Singapore has access to the INTERPOL ICSE database through the National Central Bureau for Singapore.



VICTIM

End-to-end support

To minimize the trauma of participating in repeated interviews, police and MSF undertake joint interviews of child victims to investigate the case and determine the care and protection plan for the child.¹² Police and child protection officers have reportedly received training in the skills of joint investigations and interviews since 2005.¹³ Training has also been delivered to child protection officers in relation to their role in legal proceedings, procedural issues in applying for care and protection orders, giving evidence in court, and moot court training.¹⁴ Police work closely with MSF's Child Protective Services to arrange alternative out-of-home placements for victims if needed, which may include NGO crisis shelters, and other counselling services.¹⁵ After court proceedings have concluded, the Family Justice Courts' Counselling branch has a programme to continue providing psychological and therapeutic support for victims.¹⁶ In addition, specialized psychological programmes have been introduced to strengthen children's recovery.¹⁷ However, no information was available about the effectiveness of these services. The Committee on the Rights of the Child has raised concerns that some children that are sexually exploited are not always treated as victims.¹⁸

Child protection workforce

All officers involved in child protection work attend basic training that examines the values and principles underlying child protection intervention, protocols and processes. This also includes training in interviewing children, developing skills in engaging parents, and learning elements of safe practice.¹⁹ There are also advanced levels of training for child protection practice.²⁰ Social workers can be accredited by the Singapore Association of Social Workers. The Committee on the Rights of the Child has raised concerns about the lack of a comprehensive system for detecting, recording

¹⁰ "Multi-pronged approach to deal with sex offenders: Police," The New Paper, 14 July 2012, <http://news.asiaone.com/News/AsiaOne+News/Crime/Story/A1Story20120712-358739.html>, last accessed 3 November 2015.

¹¹ *ibid.*

¹² Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention: Second and third periodic reports of States parties due in 2007, Singapore," CRC/C/SGP/2-3, 26 July 2010, [105].

¹³ *ibid.*

¹⁴ *ibid.* [247].

¹⁵ *ibid.* [487].

¹⁶ *ibid.*

¹⁷ *ibid.* [258].

¹⁸ Committee on the Rights of the Child, "Consideration of Reports submitted by State Parties under Article 44 of the Convention, Concluding Observations: Singapore," CRC/C/SGP/CO/2-3, 4 May 2011, [64].

¹⁹ *ibid.* [248].

²⁰ *ibid.* [249].

and analysing child abuse, and that there is currently no mandatory obligation for professionals working with or for children to report child abuse.²¹

Compensation, remedies and complaints

Children can file complaints (via email or phone) with relevant government agencies, such as the MSF Child Protective Service hotline or Policy Division Headquarters and Neighbourhood Police Centres. Children can also speak to NGOs such as Tinkle Friend Counselling Service, Touch Youth hotline, Family Service hotline and the Samaritans of Singapore hotlines – all of which are reportedly publicized in schools and communities. Children can access these complaint procedures themselves or through a person acting on their behalf. Legal aid may also be available to children or persons acting on their behalf if they meet the eligibility requirements.²² There is no NHRI to receive and investigate complaints of violations of the CRC in a child-sensitive manner. No information was available about the accessibility of complaint mechanisms or about children’s access to remedies or compensation in cases of sexual abuse and exploitation.

Child helpline

Singapore has a national toll-free helpline, ‘Tinkle Friend’, which provides support, advice and information to all primary-school-aged children.²³ Tinkle Friend is a full member of Child Helpline International. There are also a number of other helpline services operated by NGOs,²⁴ including TOUCHLine – a dedicated cyberwellness helpline that provides counselling for adults and children during business hours, Monday to Friday.²⁵



SOCIETAL Reporting hotline

Reports can be made to the Child Protective Service hotline (1800 777 0000) or Policy Division Headquarters and Neighbourhood Police Centres (999).²⁶ The Singapore Computer Emergency Response Team (SingCERT) provides an email and hotline to report cybersecurity incidents, but it does not appear to have specific expertise on cybercrimes against children.²⁷

Education programmes

MSF reportedly works closely with other agencies to raise awareness on child abuse such as through the National Family Violence Networking System. This includes mass media campaigns and community road shows on family violence.

Singapore also has a Cyber Wellness Programme that aims to help Internet users understand and practice positive behaviour online, and to take responsibility for users well-being and protection in cyberspace. In

²¹ *ibid.* [50].

²² This information is from: “United Nations Study on Violence against Children, Response to questionnaire received from the Government of the Republic of Singapore”, undated, pp. 12-13, <http://www.ohchr.org/Documents/HRBodies/CRC/StudyViolenceChildren/Responses/Singapore.pdf>, last accessed 4 November 2015.

²³ <http://www.tinklefriend.com/about-us>, last accessed 3 November 2015.

²⁴ “United Nations Study on Violence against Children, Response to questionnaire received from the Government of the Republic of Singapore”, undated, p. 12.

²⁵ <http://touchcyberwellness.org/counselling/>, last accessed 4 November 2015.

²⁶ “United Nations Study on Violence against Children, Response to questionnaire received from the Government of the Republic of Singapore”, undated, p. 12.

²⁷ ITU, “Cyberwellness Profile: Singapore, 2014”, https://www.itu.int/en/ITU-D/Cybersecurity/Documents/Country_Profiles/Singapore.pdf, last accessed 4 November 2015.

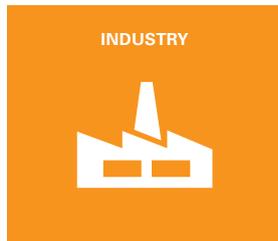
2012, Singapore established the Media Literacy Council, which oversees and leads public education and initiatives to promote media literacy and a positive environment in cyberspace. The Ministry of Education has a cyberwellness curriculum for students and provides schools with the necessary resources and programme support, including an online resource portal for teachers, students and parents; professional development programmes for teacher coordinators, and incentives. Since 2009, a Cyber Wellness Student Ambassador Programme was launched to complement cyberwellness education efforts. It adopts a peer-to-peer approach to communicate cyberwellness messages among students. The Media Development Authority of Singapore (MDA), a statutory regulator, conducts talks and public workshops, targeting parents and caregivers, and has set up a portal to share tips and resources.²⁸

Child participation

In 2012, Singapore hosted the ASEAN Children’s Forum, which provided a platform for child participation in the ASEAN region. The Committee on the Rights of the Child has observed that traditional attitudes towards children in Singapore limit, and often prevent, children from expressing their views on a wide range of issues that affect them.²⁹

Offender support systems

As noted, Singapore Prison Service administers the sex offender intervention programme, which seeks to reduce re-offenses and to enhance self-management of sex offending behaviour.³⁰



INDUSTRY

Notice and takedown procedures

MDA administers the Internet Code of Practice³¹ and the Broadcasting Notification (Class License)³² under the Broadcasting Act (Chapter 28). Under paragraph 16 of the Schedule (Conditions of Class Licence) of the Broadcasting Notification (Class License) and the Internet Code of Practice, licensees are required to deny access to prohibited material when notified or directed by the MDA. The Internet Code of Practice sets out the factors that should be taken into account in considering what is prohibited material, which include ‘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’ (para 4(2)(d)). The MDA also requires ISPs to block access to 100 sites, which include sites on child sexual abuse, as a statement of the community’s stand on harmful and undesirable content on the Internet.

²⁸ This information is drawn from UNESCO Bangkok, “Fostering Digital Citizenship through Safe and Responsible Use of ICT, A review of current status in Asia and the Pacific as of December 2014”, 2015, pp. 22-4 and from updated information provided by Singapore’s representative to the ASEAN Senior Officials Meeting of Social Welfare and Development.

²⁹ Committee on the Rights of the Child, “Consideration of Reports submitted by State Parties under Article 44 of the Convention, Concluding Observations: Singapore”, CRC/C/SGP/CO/2-3, 4 May 2011, [33].

³⁰ “Multi-pronged approach to deal with sex offenders: Police”, The New Paper, 14 July 2012, <http://news.asiaone.com/News/AsiaOne+News/Crime/Story/A1Story20120712-358739.html>, last accessed 3 November 2015.

³¹ http://www.mda.gov.sg/RegulationsAndLicensing/ActsCodesOfPracticeAndGuidelines/Documents/Acts%2c%20Codes%20of%20Practice%20and%20Guidelines/PoliciesandContentGuidelines_Internet_InterneCodeOfPractice.pdf, last accessed 4 November 2015.

³² <http://www.mda.gov.sg/RegulationsAndLicensing/ContentStandardsAndClassification/Documents/Internet/Broadcast%20%28Class%20Licence%29%20Notification.pdf>, last accessed 4 November 2015.

Notice and takedown procedures: Singapore

In Singapore, upon receipt of a written notice from the Media Development Authority, ISPs must take 'all reasonable' steps to prevent end-users accessing the prohibited content. The MDA also requires ISPs to block access to 100 sites, which include sites on child sexual abuse, as a statement of the community's stand on harmful and undesirable content on the Internet. ISPs are also mandated to offer optional Internet filtering services to their subscribers at the point of subscription or renewal of their fixed residential Internet and mobile Internet access subscriptions.

Child sexual abuse and exploitation reporting

It is unclear if the data retention requirements set out in the Electronic Transactions Act (Chapter 88)³³ apply to obscenity offenses under the Penal Code and other legislation. Regardless, the police have powers under the Criminal Procedure Code³⁴ to prohibit the disposal of property where property refers to 'money and all other property, movable or immovable, including things in action and other intangible or incorporeal property' (section 35). Therefore, all evidence relating to criminal cases could be ordered to be retained for investigation purposes. The Personal Data Protection Act 2012³⁵ contains principles related to personal data.³⁶ It provides that an organization must cease to retain documents containing personal data or remove the means by which the personal data can be associated with particular individuals 'as soon as it is reasonable to assume that (a) the purpose for which that personal data was collected is no longer being served by retention of the personal data; and (b) retention is no longer necessary for legal or business purposes' (section 25).

Innovative solution development

There do not appear to be any examples of industry innovation to address local issues.

Corporate social responsibility

Mobile operators M1, SingTel Mobile and StarHub Mobile jointly developed a Voluntary Code for Self-regulation of Mobile Content in Singapore in 2006.³⁷ The Code seeks to address concerns that children's exposure to harmful content would increase with the introduction and growth of 3G (now 4G) services. This Code establishes a common framework for the mobile operators in their development and marketing of mobile content. Prohibited content includes content that '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' (section 1.2). In

³³ <http://statutes.agc.gov.sg>, last accessed 4 November 2015.

³⁴ <http://statutes.agc.gov.sg>, last accessed 8 March 2016.

³⁵ *ibid.*

³⁶ The World Bank and International Centre for Missing & Exploited Children, "Protection Children from Cybercrime: Legislative Responses in Asia to Fight Child Pornography, Online Grooming and Cyberbullying", p. 186.

³⁷ https://www.m1.com.sg/~media/Files/M1Portal/Regulatory%20Information/Self-Regulation_of_Mobile_Content.ashx and http://www.starhub.com/about-us/newsroom/2006/march/01032006_singaporemobileoperatorslaunchcodetoselfregulatecontent.html, last accessed 4 November 2015.

January 2007, the Association of Banks in Singapore announced the creation of a financial coalition against 'child pornography', including its nine member banks. This was a precursor to the Asia-Pacific Financial Coalition Against Child Pornography (APAC-FCACP) launched by the International Centre for Missing and Exploited Children (ICMEC) in 2009. APAC-FCACP members include banks, credit card companies, online third-party payment systems, technology companies, social networking platforms, industry associations and law enforcement agencies from across the region, coordinated by ICMEC's regional office in Singapore.³⁸



MEDIA AND COMMUNICATIONS

Ethical and informed media reporting

Singapore's Children and Young Persons Act ³⁹ prohibits the media from disclosing any information relating to any court proceedings that will lead to the identification of any child (defined as below 14 years of age) or young person (defined as below 16 years of age) who is involved in the proceedings (section 35).

Universal terminology

No information was available.

³⁸ <http://www.icmec.org/apac-fcacp/>, last accessed 18 February 2016.

³⁹ <http://statutes.agc.gov.sg>, last accessed 8 March 2016.

Table 16: Country snapshot – Singapore

| Domains | Components | |
|---|---|---|
|  | 1. Leadership | |
| | 2. Research, analysis and monitoring | |
| | 3. Legislation | |
|  | 4. Dedicated law enforcement | |
| | 5. Judiciary and prosecutors | |
| | 6. Offender management process | * |
| | 7. Access to image databases | |
|  | 8. End-to-end support | |
| | 9. Child protection workforce | |
| | 10. Compensation, remedies and complaints | |
| | 11. Child helpline | |
|  | 12. Reporting hotline | |
| | 13. Education programme | |
| | 14. Child participation | |
| | 15. Offender support systems | |
|  | 16. Notice and takedown procedures | * |
| | 17. Child sexual abuse and exploitation reporting | |
| | 18. Innovative solution development | |
|  | 19. Corporate social responsibility | |
| | 20. Ethical and informed media reporting | |
| | 21. Universal terminology | |

| | |
|---|---|
|  | No information available or available information suggests significant gaps |
|  | Partly established and/or in progress |
|  | Largely established |
| * | Promising example |

THAILAND

INTERNET AND MOBILE PENETRATION AND USE



Internet users

38 million or **56%** of the total population ¹



Mobile connections

84.3 million or **124%** of the total population ²



POLICY AND GOVERNANCE

Leadership

The Ministry of Social Development and Human Security's Department of Children and Youth is the lead agency for child protection. There are also a number of committees established under various legislation that have child protection responsibilities. There is no overall mechanism responsible for coordinating activities of all relevant State and non-State agencies, nor any overall policy to guide programme development. The Committee on the Rights of the Child has observed that numerous committees and the lack of a comprehensive policy has led to fragmentation at policy level and implementation bottlenecks from the central to local levels.³ At present, relevant initiatives are contained within the National Plan and Policy on the Prevention, Suppression and Combating of Domestic and Transnational Trafficking in Children and Women 2012-2016, the National Agenda for Children and Adolescents 2008, the National Child and Youth Development Plan 2007-2016, the Strategy and Plan for the Protection and Solution of Violence against Children and Youth (2015-2021), and the Strategy to Promote Media Literacy for Children and Youth (currently in the process of development). The Committee on the Rights of the Child has noted there is no comprehensive programme of action targeting child sexual abuse and exploitation.⁴

Research, analysis and monitoring

There has been no national situational analysis of child sexual abuse and exploitation. The Committee on the Rights of the Child has raised concerns that there is no effective data collection system and data collection on child sex offences is general, fragmented and limited.⁵

¹ As of 30 November 2015: <http://www.internetworldstats.com/stats3.htm#asia>, last accessed 8 April 2016.

² As of the fourth quarter of 2015: <https://gsmaintelligence.com/markets/3213/dashboard/>, last accessed 8 April 2016.

³ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Thailand," CRC/C/THA/CO/3-4, 17 February 2012 [13].

⁴ *ibid* [12].

⁵ *ibid* [7].

Legislation

International commitments: Thailand has ratified key international conventions relating to child sexual abuse and exploitation, although it maintains a reservation to the CRC. It is the only country in the region to have signed and ratified OP3 CRC.

Domestic legislation: On 7 December 2015, Thailand's new laws on 'child pornography' came into force through the Penal Code Amendments No. 24 (2015).⁶ These laws criminalize the production, dissemination, trading, forwarding and possession of child sexual abuse materials. The Child Protection Act, B.E. 2546 (2003),⁷ Prevention and Suppression of Prostitution Act, B.E. 2539 (1996),⁸ Anti-Trafficking in Persons Act, B.E. 2551 (2008),⁹ and Computer Crime Act, B.E. 2550 (2007)¹⁰ also contain related provisions. Sexual grooming of children is not criminalized under current laws. There are also no laws dealing with cyberbullying and no law that requires ISPs to report child abuse materials to law enforcement agencies or other relevant authorities when they learn of it on their own networks.



CRIMINAL JUSTICE

Dedicated law enforcement

Specialized units: The Royal Thai Police Crimes against Children, Juveniles and Women Suppression Division specializes in investigating and responding to violence against women and children. Despite having national jurisdiction, it only has one office in Bangkok, which makes investigating cases in other provinces difficult. It has also tended to focus on trafficking cases.¹¹ The Royal Thai Police High-Tech Crime Suppression Unit receives cases from local police jurisdictions involving pornography, extortion or other 'common' offenses conducted primarily through electronic means.¹² The Department of Special Investigation's Bureau of Technology and Cyber Crime deals with cases involving organized crime, terrorism or drug offenses.¹³ The Ministry of Information and Communication Technology (MICT) Crime Suppression and Protection Office deals with cases involving censorship or certain high-profile people.¹⁴ Law enforcement reportedly remains weak and is exacerbated by a lack of resources for government services and poor coordination between relevant agencies.¹⁵ Notably, in January 2016, the Police Commissioner General issued an official instruction on the appointment of a 'Thailand Internet Crime Against Children' working group, which aims to enhance efficiency and promote collaboration from various partners in dealing with cybercrimes against children. The structure covers central and sub-national levels.

⁶ There is not yet any official English translation of the law. This information has been taken from <http://www.safeguardkids.org>, last accessed 8 December 2015.

⁷ <http://www.thailawforum.com/laws/Child%20Protection%20Act.pdf>, last accessed 28 September 2015.

⁸ <http://www.refworld.org/docid/482aff982.html>, last accessed 28 September 2015.

⁹ <http://www.thailawforum.com/database1/thailand-anti-human-trafficking-act.html>, last accessed 28 September 2015.

¹⁰ <http://www.prachatai.com/english/node/117>, last accessed 28 September 2015.

¹¹ UNICEF Thailand, "Situation Analysis of Children and Women in Thailand 2011," 2011, p. 35.

¹² Adam Ghazi-Tehrani, "The Current State of Cybercrime in Thailand : Legal, Technological, and Economic Barriers to Effective Law Enforcement," *Journal of Thai Justice System*, Vol. 1 (February 2015): 1–28, p. 9.

¹³ *ibid.*

¹⁴ *ibid.*

¹⁵ UNICEF Thailand, "Situation Analysis of Children and Women in Thailand 2011," 2011, p. 35.

International collaboration: The majority of cases come from victims' reports or from non-Thai investigative agencies such as the United States' Federal Bureau of Investigation (FBI) or INTERPOL.¹⁶ The Ministry of Justice Department of Special Investigations cooperates with foreign law enforcement agencies in order to exchange information and improve investigations into cases of online child sexual abuse. Thailand is also a member of the #WePROTECT Global Alliance.

Judiciary and prosecutors

No information was available about the capacity of judges and prosecutors to conduct child-friendly proceedings. There was also no evidence of positive judicial outcomes for cases of child sexual abuse and exploitation. The Ministry of Justice has developed a draft protocol to improve cooperation among all government agencies involved in the investigation and prosecution of cases of child sexual abuse.¹⁷ However, this appears to relate primarily to foreign offenders, and it is not clear if it is currently operational.

Offender management process

No information was available about systems in place to manage child sex offenders and to prevent re-offences.

Access to image databases

No information was available about any national image database or Thailand's access to the INTERPOL ICSE database.



VICTIM

End-to-end support

The hospital-based One Stop Crisis Centres provide victims comprehensive medical and psychological, legal and recovery services.¹⁸ NGOs also provide services for child victims.¹⁹ The Committee on the Rights of the Child has noted continued work is required to develop mechanisms and procedures for the early identification of child victims; ensure that video recordings of testimonies by child victims or witnesses of offences are always accepted as evidence; strengthen the capacity of government agencies to ensure and coordinate assistance and support to child victims; and ensure that child victims are provided with appropriate assistance, including their full social reintegration, and physical and psychological recovery.²⁰ The Committee on the Rights of the Child has also identified the need to reduce the duration of investigations and proceedings in criminal cases, and ensure appropriate protection for child victims and witnesses.²¹

¹⁶ *ibid* p. 10.

¹⁷ Royal Thai Government commitments, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/commitements/ga_commitment_-_thailand_en.pdf, last accessed 28 September 2015.

¹⁸ <http://www.mfa.go.th/humanrights/implementation-of-un-resolutions/68-thailands-policies-and-initiatives-on-prevention-of-violence-against-women->, last accessed 28 September 2015.

¹⁹ <http://www.mfa.go.th/humanrights/implementation-of-un-resolutions/126-measures-in-preventing-and-combating-online-child-pornography>, last accessed 29 September 2015.

²⁰ Committee on the Rights of the Child, "Concluding Observations and Recommendations on Reports Submitted Under Article 12 of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography: Thailand," CRC/C/OPSC/THA/CO/1, 21 February 2012, [32], [33].

²¹ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Thailand," CRC/C/THA/CO/3-4, 17 February 2012, [76], [77], [81].

Child protection workforce

Under the Child Protection Act, National and Provincial Child Protection Committees are responsible for monitoring services for children who are victims or at risk of abuse. However, there are limited resources at the community level, including limited social work capacity, and a lack of clear accountability about the work of the committees. As a result, service delivery is reportedly not guaranteed for all children and depends mainly on the capacity of individuals working in the committees and existing response services.²²

Compensation, remedies and complaints

It is possible for children to file criminal and civil cases through their representatives.²³ There is no direct mechanism under the Child Protection Act for children or their representatives to bring violations to court.²⁴ Children and their representatives can also lodge complaints with the National Human Rights Commission. However, the Committee on the Rights of the Child has observed that children's access to the NHRI is limited and there is no special unit for children. The Committee has also noted that the NHRI is hampered by inadequate human, technical and financial resources, and a lack of regional offices.²⁵ There are a limited number of guarantees concerning legal aid under the Constitution²⁶ and under the Anti-Trafficking in Persons Act.²⁷ Compensation for victims of crime is outlined under the Anti-Trafficking in Persons Act (section 33-35) and Compensation for Injured Persons, and Indemnification and Expenses for Alleged Offenders in the Criminal Case Act 2001 (section 17).²⁸ There was no information available on the implementation of these provisions and children's access to compensation or remedies in cases of sexual abuse and exploitation.

Child helpline

Childline Foundation Thailand operates a nationwide free 24-hour telephone line 'SaiDek 1387'²⁹ and is a member of Child Helpline International. The '1300 Prachabodi Call Centre' or One Stop Crisis Centre, operated by the Ministry of Social Development and Human Security, is another free 24-hour line and was established to provide initial services to populations experiencing social problems, including both children and adults.

²² UNICEF Thailand, "Situation Analysis of Children and Women in Thailand 2011," p. 36.

²³ Criminal Procedure Code, section 28, and Act on Establishment of Administrative Courts and Administrative Court Procedure 1999, section 42, cited in White & Case LLP, "Access to Justice for Children: Thailand," February 2014.

²⁴ White & Case LLP, "Access to Justice for Children: Thailand," February 2014, p. 3.

²⁵ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Thailand," CRC/C/THA/CO/3-4, 17 February 2012, [17], [18].

²⁶ Constitution, section 40(7) and (8) cited in White & Case LLP, "Access to Justice for Children: Thailand," February 2014.

²⁷ Anti-Trafficking in Persons Act of 2008, sections 33-35.

²⁸ Cited in "Optional Protocol on the sale of children, child prostitution and child pornography, List of issues concerning additional and updated information related to the consideration of the initial report of Thailand (CRC/COPSC/THA/1), Written replies of Thailand," 20 January 2012.

²⁹ <http://childlinethailand.org>, last accessed 28 September 2015.



SOCIETAL

Reporting hotline

Reports can be made to the 1300 Prachabodi Call Centre and the 1191 hotline operated by the Royal Thai Police Anti-Human Trafficking Division. In addition, Thailand has an online reporting mechanism, ThaiHotline.³⁰ On receiving reports, ThaiHotline investigates and refers cases to the person who posted the material, webmaster, ISP, MICT and/or law enforcement. ThaiHotline is a member of the INHOPE Foundation and affiliated with the INHOPE network.³¹ No information was available on capacity of the Thailand Computer Emergency Response Team (ThaiCERT)³² to refer or respond to cases of online child sexual abuse and exploitation.

Education programmes

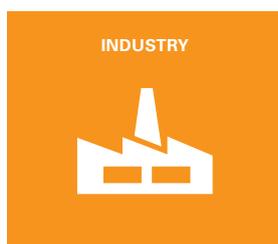
There was no information available about education programmes on child sexual abuse and exploitation. There are examples of awareness-raising and educative programmes on cybersafety, including the 'Cyber Care Project' – a project implemented by MICT that works with children, parents and teachers to reduce harmful online content.³³ The Safe and Creative Media Development Fund Act B.E. 2558 (2015) aims to establish a resource fund to produce quality media to enhance children's learning and provide good 'role-models'. This includes the promotion of media literacy, including safe and creative media for children and young people.

Child participation

There are some examples of child participation in the development of policies, including through Child and Youth Councils at the national, regional and district levels. However, the Committee on the Rights of the Child has observed that not all children in Thailand have the opportunity to express their views freely and participate in the decisions that affect them, partly due to traditional attitudes.³⁴

Offender support systems

No information was available about medical, psychological, self-help or other systems in place to support child sex offenders.



INDUSTRY

Notice and takedown procedures

There is active government monitoring and blocking of Internet activity. The Computer Crime Act authorizes 'competent officials' to request court orders to block content that 'might be contradictory to the peace and concord or good morals of the people' (section 20). There are no mandatory reporting obligations on ISPs. Since the Computer Crime Act was enacted, the courts are more likely to block political opinion rather than other illegal content.³⁵

³⁰ <https://report.thaihotline.org/en/about/history>, last accessed 21 September 2015.

³¹ INHOPE is an active collaborative network of 44 hotlines in 38 countries worldwide, dealing with illegal content online and committed to stamping out and eradicating child sexual abuse material on the Internet': <http://www.inhope.org>, last accessed 16 May 2016.

³² <https://www.thaicert.or.th/about-en.html>, last accessed 21 September 2015.

³³ Royal Thai Government commitments, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/commitments/ga_commitment_-_thailand_en.pdf, last accessed 28 September 2015.

³⁴ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Thailand," CRC/C/THA/CO/3-4, 17 February 2012, [39].

³⁵ <https://freedomhouse.org/report/freedom-net/2014/thailand>, last accessed 29 September 2015.

Child sexual abuse and exploitation reporting

The Computer Crime Act creates an obligation for ISPs to keep content and data concerning the users of websites stored for at least 90 days as to facilitate investigation and prosecution (section 26). ISPs may receive a fine if they fail to do so. ISPs are also liable for the same penalty as the person committing an offence under the Act if they intentionally support or consent to an offence (section 15).

Innovative solution development

There do not appear to be any examples of industry innovation to address local issues.

Corporate social responsibility

In 2014, DTAC launched the Safe Internet initiative, aiming to provide children with the tools and awareness necessary to safely navigate the online world. In 2015, activities included the Digital Citizen Talk talk show and Thai Digital Citizen Hub.³⁶



MEDIA AND COMMUNICATIONS

Ethical and informed media reporting

The Child Protection Act includes provisions that prohibit the media from disclosing information about a child that may be harmful 'to mental, reputation, prestige or any interest of a child' (sections 27, 50). Notwithstanding, Thai media have reportedly violated children's rights to privacy, including by disclosing the identities of children who are victims of abuse and their personal details such as their names, schools and/or home addresses.³⁷

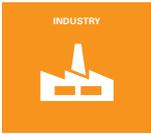
Universal terminology

No information was available.

³⁶ <http://www.telenor.com/media/articles/2015/thai-youth-will-be-safe-internet-leaders-says-dtac/>, last accessed 8 December 2015.

³⁷ http://www.unicef.org/thailand/media_23282.html, last accessed 29 September 2015.

Table 17: Country snapshot – Thailand

| Domains | Components | |
|---|---|---|
|  | 1. Leadership | |
| | 2. Research, analysis and monitoring | |
| | 3. Legislation | |
| | 4. Dedicated law enforcement | |
|  | 5. Judiciary and prosecutors | |
| | 6. Offender management process | |
| | 7. Access to image databases | |
|  | 8. End-to-end support | |
| | 9. Child protection workforce | |
| | 10. Compensation, remedies and complaints | |
| | 11. Child helpline | |
|  | 12. Reporting hotline | * |
| | 13. Education programme | |
| | 14. Child participation | |
| | 15. Offender support systems | |
|  | 16. Notice and takedown procedures | |
| | 17. Child sexual abuse and exploitation reporting | |
| | 18. Innovative solution development | |
|  | 19. Corporate social responsibility | * |
| | 20. Ethical and informed media reporting | |
| | 21. Universal terminology | |

 No information available or available information suggests significant gaps

 Partly established and/or in progress

 Largely established

* Promising example

VIET NAM

INTERNET AND MOBILE PENETRATION AND USE



Internet users

47.3 million or **50%** of the total population ¹



Mobile connections

143 million or **152%** of the total population ²



POLICY AND GOVERNANCE

Leadership

The Ministry of Labour, Invalids and Social Affairs (MOLISA) is the lead agency on child protection. In 2011, the Prime Minister approved Viet Nam's first comprehensive National Programme on Child Protection for the period 2011-2015, and the new programme for 2016-2020 was approved in 2015. A National Programme of Action for Children for the period of 2011-2020 was also adopted. Despite the National Programme of Action, the Committee on the Rights of the Child has raised concerns about proper coordination between the different existing national policies and programmes affecting children, which leads to a weakening of the impact of some policies and overlapping mandates in some sectors.³

Research, analysis and monitoring

In 2011, MOLISA and UNICEF Viet Nam undertook a study into commercial sexual exploitation in selected provinces and cities.⁴ While the study did not provide nationally representative data, it enabled insights into the nature, magnitude and emerging trends in Viet Nam. Among other things, the study recommended the establishment of formal data collection, as well as further research into previously neglected and emerging areas including exploitation using ICT. The Committee on the Rights of the Child has observed that Viet Nam currently lacks a central system for data collection on children, particularly in sensitive areas, including sexual abuse and exploitation.⁵

Legislation

International commitments: Viet Nam has ratified key international conventions relating to child sexual abuse and exploitation, except OP3 CRC.

¹ As of 30 November 2015: <http://www.internetworldstats.com/stats3.htm#asia>, last accessed 8 April 2016.

² As of the fourth quarter of 2015: <https://gsmaintelligence.com/markets/3682/dashboard/>, last accessed 8 April 2016.

³ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Viet Nam," CRC/C/VNM/CO/3-4, 22 August 2012, [13].

⁴ MOLISA and UNICEF Viet Nam, "An Analysis of the Commercial Sexual Exploitation of Children in Selected Provinces and Cities of Viet Nam," November 2011.

⁵ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Viet Nam," CRC/C/VNM/CO/3-4, 22 August 2012 [19]-[20].

Domestic legislation: Viet Nam has enacted a number of laws related to child sexual abuse and exploitation, including the newly revised Penal Code (2015),⁶ Law on Child Protection, Care and Education (2004),⁷ and the Law on the Human Trafficking Prevention and Combat No. 66/2011.⁸ These laws include offenses relating to ‘decadent’ and ‘pornographic’ materials and ‘obscenity’ against children. The revised Penal Code criminalizes the production, sale and distribution of ‘debauched and pornographic’ material, and provides for aggravated penalties when the offence is committed against someone under 18 years of age and/or through ‘the Internet, computer networks, telecommunications networks and digital devices’ (article 326). The Law on Information Technology No. 61/2006/QH11⁹ expressly prohibits and administratively sanctions the use of ICT to disseminate ‘obscene’ materials. However, there is no clear definition of ‘child pornography’ within any of the legislation and there are no laws that criminalize the full range of acts relating to child abuse materials. Sexual grooming of children is not criminalized. There is currently no specific law relating to cyberbullying, however the new Penal Code penalizes humiliating a person (defined as seriously infringing upon a person’s dignity or honour) and slander, both of which carry an aggravated penalty if committed through ICT.¹⁰ ISPs are required to supervise and eliminate prohibited content, including ‘obscene material’ when it is found or at the request of competent authorities,¹¹ but ‘obscene material’ is not clearly defined and there is no explicit mandatory reporting requirements for ISPs when they discover child sexual abuse material.



CRIMINAL JUSTICE

Dedicated law enforcement

Specialist unit: The Anti-Human Trafficking Crime Section of the Criminal Investigation Police Department is responsible for investigating crimes against children. The High-Tech Police Department has been mandated to conduct surveillance and initial investigative activities in relation to online child sexual abuse and exploitation pursuant to the new Law on Organization of Criminal Investigation, which will come into effect on 1 July 2016.¹² In 2011, the General Police Department for Crime Prevention and Suppression issued Guideline No. 2177, giving detailed guidance on child-friendly interviewing, and the establishment and operation of child-friendly interview rooms. Guidance documents and training on child-friendly investigations have been developed and some child-friendly investigation rooms have also been established.¹³

⁶ The revisions will come into effect on 1 July 2016. An unofficial English translation was reviewed for the purposes of this report, however it is not yet available online.

⁷ <http://www.hsph.harvard.edu/population/trafficking/vietnam.child.04.doc>, last accessed 9 October 2015.

⁸ <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91653/106409/F-1429920306/VNM91653%20Eng.pdf>, last accessed 12 October 2015.

⁹ http://www.moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=4761, last accessed 12 October 2015.

¹⁰ Penal Code 2015, articles 155 and 156.

¹¹ Decree No. 72/2013/ND-CP on the Management, Provision, Use of Internet Services and Internet Content Online (15 July 2013)

¹² An English translation of this law is not yet available.

¹³ UNICEF Viet Nam, ‘‘Creating a protective environment for children in Viet Nam: An assessment of child protection laws and policies, especially children in special circumstances in Viet Nam’’, 2013. p. 253.

International collaboration: Vietnamese police are involved in international cooperation through the INTERPOL and ASEANPOL channels, and through foreign law enforcement liaison officers based in Viet Nam and the region.¹⁴ A CEOP Advisory Panel has been established to prevent child exploitation by British and other foreign nationals.¹⁵ Viet Nam is a member of the #WePROTECT Global Alliance.

Judiciary and prosecutors

Guidance documents and training on trial procedures have been developed.¹⁶ The Joint Circular No. 01/1998/TTLT/TANDTC-VKSNDTC-BNV (1 January 1998)¹⁷ of the Supreme People's Court, the Supreme People's Procuracy and the Ministry of Interior sets out guidance for the application of a number of provisions for the Penal Code, reinforcing the principle that the lower the age of the victim, the more severe the penalty imposed on the offender will be. There was no information available about the implementation of the guidance.

Offender management process

No information was available about systems in place to manage child sex offenders and to prevent re-offences.

Access to image databases

No information was available about any national image database or Viet Nam's access to the INTERPOL ICSE database.



VICTIM

End-to-end support

The Committee on the Rights of the Child has noted that child victims have limited access to services¹⁸ and that children can suffer significant trauma and distress through the investigation and prosecution of crimes against them.¹⁹ The Committee has also raised concerns that children who are sexually exploited are not always treated as victims.²⁰ The Committee has also observed that there are limited after-care programmes and confidential counselling services for child victims.²¹ There is a lack of inter-agency cooperation in service delivery due to a lack of effective legal and policy guidance on the responsibilities of concerned sectors in child protection.

¹⁴ <http://www.hvcsnd.edu.vn/en/Acedemy/Research-Exchange/166/1783/International-Cooperation-in-the-fight-against-transnational-crimes.aspx>, last accessed 12 October 2015.

¹⁵ <https://www.ceop.police.uk/icpn/Vietnam/Advisory-Panel/>, last accessed 12 October 2015.

¹⁶ UNICEF Viet Nam, "Creating a protective environment for children in Viet Nam: An assessment of child protection laws and policies, especially children in special circumstances in Viet Nam", p. 253.

¹⁷ No English version has been available for review. Cited in MOLISA and UNICEF Viet Nam, "Creating a protective environment for children in Viet Nam: An assessment of child protection laws and policies, especially children in special circumstances in Viet Nam", 2009.

¹⁸ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Viet Nam," CRC/C/VNM/CO/3-4, 22 August 2012, [53].

¹⁹ UNICEF and People's Supreme Court, "Investigative and Court Proceedings Involving Children and Juveniles: An Assessment of Child-sensitive Procedures" (draft), 2006 cited in Ministry of Labour, Invalids and Social Affairs and UNICEF Viet Nam, "Creating a protective environment for children in Viet Nam: An assessment of child protection laws and policies, especially children in special circumstances in Viet Nam", 2009, pp. 34-35.

²⁰ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Viet Nam," CRC/C/VNM/CO/3-4, 22 August 2012, [72].

²¹ *ibid.*

Child protection workforce

Thirty social work service centres have recently been established at the provincial level to provide counselling, psycho-social support and referrals to other relevant services. As the centres are only at the provincial level, access by children to these services has been limited. The capacity of service delivery has also been constrained due to the insufficient number of professional social workers and their limited skills on child protection issues. Social work is not yet fully recognized as a profession in Viet Nam and there are few qualified professionals to deal with child protection cases.²² There are also limited monitoring and supervision systems at the central and provincial levels, and a lack of services to provide guidance and training on child protection.²³

Compensation, remedies and complaints

The Committee on the Rights of the Child has noted that there are limited child-friendly reporting procedures in Viet Nam.²⁴ The Committee has also observed that there is no NHRI to receive and investigate complaints of violations of the CRC in a child-sensitive manner.²⁵ Pursuant to the Criminal Procedure Code, victims of crime, including children, can request a compensation order for damages or injuries suffered as part of the criminal proceedings. No information was available on children's access to compensation or remedies in cases of sexual abuse and exploitation.

Child helpline

Child Helpline Viet Nam is government operated and provides toll-free national-wide professional phone counselling and information services, as well as referrals and follow-up for children and concerned citizens. Child Helpline Viet Nam is a full member of Child Helpline International. The Center for Creative Initiatives in Health Population has provided an online counselling programme in Viet Nam since 2003.



SOCIETAL Reporting hotline

Reports can be made to Child Helpline Viet Nam and to the provincial social work centres. While cybersecurity threats may be reported to the Vietnam Computer Emergency Response Team (VNCERT)²⁶ online,²⁷ no information was available on VNCERT's capacity to refer or respond to cases of online child sexual abuse and exploitation.

²² UNICEF Viet Nam, "An Analysis of the Situation of Children in Viet Nam," 2010, p. 257.

²³ *ibid.*

²⁴ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Viet Nam," CRC/C/VNM/CO/3-4, 22 August 2012, [71].

²⁵ *ibid.*, [15].

²⁶ <http://vncert.gov.vn/en/> [Vietnamese], last accessed 9 October 2015.

²⁷ https://www.itu.int/en/ITU-D/Cybersecurity/Documents/Country_Profiles/Vietnam.pdf, last accessed 9 October 2015.

Education programmes

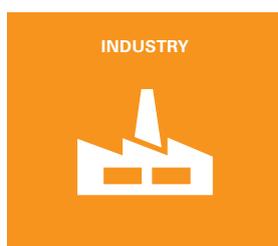
With UNICEF support, the Ministry of Education and Training developed a life-skills training programme, which includes a module on child abuse. While the programme is not mandatory for all schools, it has been included as one of the criteria to achieve Child-Friendly School accreditation. At the local level, MOLISA and others have conducted awareness-raising on child sexual abuse and exploitation. However, the Committee on the Rights of the Child notes that children, the public at large, and professionals working with and for children have a lack of knowledge on children's rights to protection.²⁸

Child participation

Viet Nam has convened forums for children to make their voices heard at the provincial and national levels. However, the Committee on the Rights of the Child has commented that there is insufficient awareness of the importance of child participation and a lack of its application in all settings. There is no systematic consultation of children in the process of making laws and policies affecting them at the national, regional or local levels, and no specific guidelines on child participation in the development of future plans of action concerning children.²⁹

Offender support systems

There does not appear to be any support system in place for sex offenders.



INDUSTRY

Notice and takedown procedures

The Ministry of Information and Communication is responsible for regulating sexually explicit and violent content online, while the Ministry of Public Security oversees political censorship. Vietnamese authorities monitor and block online content which primarily targets political topics and threats.³⁰ No information was available about the blocking or removal of online child abuse materials.

Child sexual abuse and exploitation reporting

There has been a series of regulations on Internet management. The latest in the series is the Decree No. 72/2013/ND-CP on the Management, Provision, and Use of Internet Services and Internet Content Online (15 July 2013).³¹ This applies to both Vietnamese and foreign organizations and individuals (article 2), and prohibits the use of Internet services and online information for numerous acts, including 'propagating and inciting violence, obscenity, pornography, crimes, social problems, superstition, and contradicting national traditions' (article 5(b)). Users must not commit these

²⁸ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations and Recommendations: Viet Nam," CRC/C/VNM/CO/3-4, 22 August 2012, [21].

²⁹ *ibid.* [35]-[36].

³⁰ This information is from Freedom House, "Freedom on the Net 2014, Vietnam,"

<https://freedomhouse.org/report/freedom-net/2014/vietnam>, last accessed 13 October 2015.

³¹ <https://luatminhkhue.vn/en/legal-documents/decreed-no-72-2013-nd-cp.aspx>, last accessed 13 October 2015.

³² Public Internet stations include enterprises' public Internet stations and hotels, restaurants, docks, bus stations, coffee shops and other public places where organizations and individuals may legally provide Internet access services: article 6.

acts (articles 10, 26, 30) and public Internet station owners³² must prevent users from committing such acts (article 9(e)). In relation to storage and access, companies must maintain at least one domestic server 'serving the inspection, storage and provision of information at the request of competent authorities', and must store information for at least 90 days (article 24 and 25). In addition, in the case of social networks, companies must not provide banned content to the public, must cooperate with competent authorities to eliminate or prevent banned information, and must provide personal information of users related to crimes and violations of the law at the request of competent authorities (article 25(5)-(7)). Similar obligations apply to mobile networks and game service providers. Decree No. 174/2013/ND-CP, regulating Administrative Sanctions for Violations Relating to Postal Services, Telecommunications, Information Technology and Radio Frequencies (13 November 2013),³³ introduced penalties for breaching the law and noted that these would be applied to offenses not serious enough to merit criminal prosecution.³⁴

Innovative solution development

There do not appear to be any examples of industry innovation to address local issues.

Corporate social responsibility

There do not appear to be any examples of effective and monitored child-focused CSR programmes.



MEDIA AND COMMUNICATIONS

Ethical and informed media reporting

The Criminal Code and Civil Code set out an individual's right to privacy (articles 38 and 12, respectively). Decree 51/2002/NĐ-CP, dated 26 April 2002, details regulations for the execution of the Law on Press, prohibiting media publication of an individual's photo if it would affect their reputation or dignity, or the publication of information that would affect an individual's privacy. The new Child Law, passed in April 2016 and coming into force from 1 July 2016, includes specific provisions on children's right to privacy (articles 6 and 21). Notwithstanding, the media in Viet Nam reportedly frequently breach standards of ethical reporting when covering cases of child sexual abuse and exploitation.³⁵ In 2014, during the campaign on ending violence against children, MOLISA and UNICEF incorporated media guidelines on child-sensitive reporting into press materials.

Universal terminology

No information was available.

³³ No English version was available for review.

³⁴ Freedom House, "Freedom on the Net 2014, Vietnam".

³⁵ TN News, "Vietnam media violate child's right to privacy in reporting abuse: experts", 16 August 2013, <http://www.thanhniennews.com/society/vietnam-media-violate-childs-right-to-privacy-in-reporting-abuse-experts-1497.html>, last accessed 13 October 2015.

Table 18: Country snapshot – Viet Nam

| Domains | Components | |
|---|---|---|
|  POLICY AND GOVERNANCE | 1. Leadership | |
| | 2. Research, analysis and monitoring | |
| | 3. Legislation | |
|  CRIMINAL JUSTICE | 4. Dedicated law enforcement | |
| | 5. Judiciary and prosecutors | |
| | 6. Offender management process | |
| | 7. Access to image databases | |
|  VICTIM | 8. End-to-end support | |
| | 9. Child protection workforce | |
| | 10. Compensation, remedies and complaints | |
| | 11. Child helpline | * |
|  SOCIAL | 12. Reporting hotline | |
| | 13. Education programme | |
| | 14. Child participation | |
|  INDUSTRY | 15. Offender support systems | |
| | 16. Notice and takedown procedures | |
| | 17. Child sexual abuse and exploitation reporting | |
|  MEDIA AND COMMUNICATIONS | 18. Innovative solution development | |
| | 19. Corporate social responsibility | |
| | 20. Ethical and informed media reporting | |
| | 21. Universal terminology | |

| | |
|---|---|
|  | No information available or available information suggests significant gaps |
|  | Partly established and/or in progress |
|  | Largely established |
| * | Promising example |



ANNEX 1:

#WePROTECT children Online

Preventing and Tackling Child Sexual Exploitation and Abuse (CSEA): A Model National Response

| Enablers | | Capabilities | | Outcomes | |
|--|--|--------------|--|---|--|
| <p>Cross sector, multi-disciplinary collaboration</p> <p>Willingness to prosecute, functioning justice system and rule of law</p> <p>Supportive reporting environment</p> <p>Aware and supportive public and professionals, working with and for children</p> <p>Sufficient financial and human resources</p> <p>National legal and policy frameworks in accordance with the UNCRC and other international and regional standards</p> <p>Data and evidence on CSEA</p> | <p>Policy and Governance</p>  | 1 | <p>Leadership: An accountable National Governance and Oversight Committee</p> | <p>Highest level national commitment to CSEA prevention and response</p> | <p>Comprehensive understanding of CSEA within the highest levels of government and law enforcement. Willingness to work with, and co-ordinate the efforts of, multiple stakeholders to ensure the enhanced protection of victims and an enhanced response to CSEA offending.</p> |
| | | 2 | <p>Research, Analysis and Monitoring: National situational analysis of CSEA risk and response; measurements/indicators</p> | | |
| | | 3 | <p>Legislation: Comprehensive and effective legal framework to investigate offenders and ensure protection for victims</p> | | |
| | <p>Criminal Justice</p>  | 4 | <p>Dedicated Law Enforcement: National remit; trained officers; proactive and reactive investigations; victim-focused; international cooperation</p> | <p>Effective and successful CSEA investigations, convictions and offender management</p> | <p>Law Enforcement and judiciary have the knowledge, skills, systems and tools required to enable them to perform victim-focused investigations and secure positive judicial outcomes. CSEA offenders are managed and reoffending prevented.</p> |
| | | 5 | <p>Judiciary and Prosecutors: Trained; victim-focused</p> | | |
| | | 6 | <p>Offender Management Process: Prevent re-offending of those in the criminal justice system nationally and internationally</p> | | |
| | | 7 | <p>Access to Image Databases: National database; link to Interpol database (ICSE)</p> | | |
| | <p>Victim</p>  | 8 | <p>End to end support: Integrated services provided during investigation, prosecution and after-care</p> | <p>Appropriate support services for children and young people</p> | <p>Children and young people have access to services that support them through the investigation and prosecution of crimes against them. They have access to shelter; specialised medical and psychological services; and rehabilitation, repatriation and resocialization services.</p> |
| | | 9 | <p>Child Protection Workforce: Trained, coordinated and available to provide victim support</p> | | |
| | | 10 | <p>Compensation, remedies and complaints arrangements: Accessible procedures</p> | | |
| | | 11 | <p>Child Helpline: Victim reporting and support; referrals to services for ongoing assistance</p> | | |
| | <p>Societal</p>  | 12 | <p>CSEA Hotline: Public and industry reporting for CSEA offences - online and offline; link to law enforcement and child protection systems</p> | <p>CSEA prevented</p> | <p>Children and young people are informed and empowered to protect themselves from CSEA. Parents, carers, teachers and childcare professionals are better prepared to keep children safe from CSEA, including addressing taboos surrounding sexual violence.</p> |
| | | 13 | <p>Education Programme: For: children/young people; parents/carers; teachers; practitioners; faith representatives</p> | | |
| | | 14 | <p>Child Participation: Children and young people have a voice in the development of policy and practice</p> | | |
| | | 15 | <p>Offender Support Systems: Medical, psychological, self-help, awareness.</p> | | |
| | <p>Industry</p>  | 16 | <p>Notice and Takedown Procedures: Local removal and blocking of online CSEA content</p> | <p>Industry engaged in developing solutions to prevent and tackle CSEA</p> | <p>The public can proactively report CSEA offences. Industry has the power and willingness to block and remove online CSEA content and proactively address local CSEA issues.</p> |
| | | 17 | <p>CSEA Reporting: Statutory protections that would allow industry to fully and effectively report CSEA, including the transmission of content, to law enforcement or another designated agency</p> | | |
| | | 18 | <p>Innovative Solution Development: Industry engagement to help address local CSEA issues</p> | | |
| | | 19 | <p>Corporate Social Responsibility: Effective child-focused programme</p> | | |
| | <p>Media and Communications</p>  | 20 | <p>Ethical and informed media reporting: Enable awareness and accurate understanding of problem</p> | <p>Awareness raised among the public, professionals and policy makers</p> | <p>Potential future offenders are deterred. CSEA offending and reoffending is reduced.</p> |
| | | 21 | <p>Universal terminology: Guidelines and application</p> | | |

Source: <https://www.gov.uk/government/publications/weprotect-summit-2015-in-abu-dhabi-supporting-documents>, last accessed 16 May 2016.

ANNEX 2:

Status of ratification of relevant international instruments

Brunei Darussalam

| Instrument: Date into force | Ratification status |
|---|---|
| Convention on the Rights of the Child: 1990 | Signature: N/A Ratification/Accession: 1995 Reservations to articles 14 (freedom of thought), 20(3) (children deprived of family environment), and 21(b)-(e) (adoption) |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: 2002 | Signature: N/A Ratification/Accession: 2006 |
| Optional Protocol to the Convention on the Rights of the Child on a communications procedure: 2014 | X |
| C182 International Labour Organization Worst Forms of Child Labour Convention: 2000 | Ratification/Accession: 2008 |
| The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: 2003 | X |

Cambodia

| Instrument: Date into force | Ratification status |
|---|---|
| Convention on the Rights of the Child: 1990 | Signature: N/A Ratification/Accession: 1992 |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: 2002 | Signature: 2000 Ratification/Accession: 2002 |
| Optional Protocol to the Convention on the Rights of the Child on a communications procedure: 2014 | X |
| C182 International Labour Organization Worst Forms of Child Labour Convention: 2000 | Ratification/Accession: 2006 |
| The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: 2003 | Signature: 2001 Ratification/Accession: 2007 |

Indonesia

| Instrument: Date into force | Ratification status |
|---|--|
| Convention on the Rights of the Child: 1990 | Signature: 1990 Ratification/Accession: 1990 |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: 2002 | Signature: 2001 Ratification/ Accession: 2012 |
| Optional Protocol to the Convention on the Rights of the Child on a communications procedure: 2014 | X |
| C182 International Labour Organization Worst Forms of Child Labour Convention: 2000 | Ratification/Accession: 2000 |
| The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: 2003 | Signature: 2000 Ratification/Accession: 2009 |

Lao PDR

| Instrument: Date into force | Ratification status |
|---|---|
| Convention on the Rights of the Child: 1990 | Signature: N/A Ratification/ Accession: 1991 |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: 2002 | Signature: N/A Ratification/Accession: 2006 |
| Optional Protocol to the Convention on the Rights of the Child on a communications procedure: 2014 | X |
| C182 International Labour Organization Worst Forms of Child Labour Convention: 2000 | Ratification/Accession: 2005 |
| The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: 2003 | Ratification/Accession: 2003 |

Malaysia

| Instrument: Date into force | Ratification status |
|---|---|
| Convention on the Rights of the Child: 1990 | Signature: N/A Ratification/Accession: 1995 Reservations to articles 2 (non-discrimination), 7 (birth registration, name and nationality), 14 (freedom of thought, conscience and religion), 28 paragraph 1 (a) (free and compulsory primary education) and 37 (torture and deprivation of liberty) which are only applicable if they are in conformity with Malaysia's Constitution, laws and policies |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: 2002 | Signature: N/A Ratification/Accession: 2012 Declarations that 'any representation' in article 2(c) (child pornography) will be interpreted to mean 'any visual representation' and that article 3(1)(a)(ii) (adoption) only applies to State parties of the Hague Convention |
| Optional Protocol to the Convention on the Rights of the Child on a communications procedure: 2014 | X |
| C182 International Labour Organization Worst Forms of Child Labour Convention: 2000 | Ratification/Accession: 2000 |
| The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: 2003 | Ratification/Accession: 2009 |

Myanmar

| Instrument: Date into force | Ratification status |
|---|--|
| Convention on the Rights of the Child: 1990 | Signature: N/A Ratification/Accession: 1991 |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: 2002 | Signature: N/A Ratification/Accession: 2012 |
| Optional Protocol to the Convention on the Rights of the Child on a communications procedure: 2014 | X |
| C182 International Labour Organization Worst Forms of Child Labour Convention: 2000 | Ratification/Accession: 2013 |
| The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: 2003 | Ratification/Accession: 2004 |

Philippines

| Instrument: Date into force | Ratification status |
|---|---|
| Convention on the Rights of the Child: 1990 | Signature: 1990 Ratification/ Accession: 1990 |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: 2002 | Signature: 2000 Ratification/ Accession: 2002 |
| Optional Protocol to the Convention on the Rights of the Child on a communications procedure: 2014 | X |
| C182 International Labour Organization Worst Forms of Child Labour Convention: 2000 | Ratification/Accession: 2000 |
| The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: 2003 | Signature: 2000 Ratification/Accession: 2002 |
| Convention on Cybercrime CETS No.: 185: 2004 ('Budapest Convention') | Invited to accede to the Budapest Convention on 15 June 2011 ¹ Ratification being considered ² |
| Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse CETS No.: 201: 2010 (Lanzarote Convention) | Ratification being considered ³ |

Singapore

| Instrument: Date into force | Ratification status |
|---|--|
| Convention on the Rights of the Child: 1990 | Signature: N/A Ratification/Accession: 1995 Singapore maintains numerous declarations on articles 12, 13, 14, 15, 16, 17, 19 and 37, and reservations to articles 7, 9, 10, 22, 28 and 32. |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: 2002 | X |
| Optional Protocol to the Convention on the Rights of the Child on a communications procedure: 2014 | X |
| C182 International Labour Organization Worst Forms of Child Labour Convention: 2000 | Ratification/Accession: 2001 |
| The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: 2003 | Ratification/Accession: 2015 |

¹ Department of Justice, Office of Cybercrime, "Philippines 2014-2015 Cybercrime Report: the Rule of Law in Cyberspace." p. 17.

² Republic of the Philippines, "Philippine Country Report," Regional Conference on Online Protection: Towards an Integrated Systems Approach, Putrajaya, Malaysia, 24-25 March 2015.

³ *ibid.*

Thailand

| Instrument: Date into force | Ratification status |
|---|--|
| Convention on the Rights of the Child: 1990 | Signature: N/A Ratification/Accession: 1992 Thailand maintains a reservation to article 22 (refugee children). |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: 2002 | Signature: N/A Ratification/Accession: 2006 |
| Optional Protocol to the Convention on the Rights of the Child on a communications procedure: 2014 | Signature: 2012 Ratification/Accession: 2012 |
| C182 International Labour Organization Worst Forms of Child Labour Convention: 2000 | Ratification/Accession: 2001 |
| The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: 2003 | Signature: 2001 Ratification/Accession: 2013 |

Viet Nam

| Instrument: Date into force | Ratification status |
|---|---|
| Convention on the Rights of the Child: 1990 | Signature: 1990 Ratification/Accession: 1990 |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: 2002 | Signature: 2000 Ratification/Accession: 2001 |
| Optional Protocol to the Convention on the Rights of the Child on a communications procedure: 2014 | X |
| C182 International Labour Organization Worst Forms of Child Labour Convention: 2000 | Ratification/Accession: 2000 |
| The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: 2003 | Ratification/Accession: 2012 |

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