

**Malawi Communications  
Regulatory Authority  
(MACRA)**



**CHILD ONLINE POLICY & REGULATORY  
FRAMEWORK IN MALAWI**

BICC – LILONGWE  
18th JULY , 2016

# CONTENTS

- ❑ Introduction
- ❑ Current Status of COP in Malawi
- ❑ Development of COP strategy
- ❑ Challenges
- ❑ Way forward
- ❑ Conclusion

# INTRODUCTION

- ❑ Use of ICTs on the increase (predominantly mobile phones) and increased use of broadband services
- ❑ With all the so many benefits comes online criminal & unethical conducts
- ❑ Children targeted and fall victim to such conducts as they are exposed to these at an early stage.

# Legal Framework

- ❑ Malawi ICT Policy 2013 - ***National security*** - ***establish adequate capacity to deal with national security, violation of human rights, undesirable impacts of ICTs including the violation of privacy, spread of undesirable materials, cyber-crimes, digital frauds and terrorism. Surveillance and readiness of security agencies require the use of specialized skills and ICTs.***
- ❑ Malawi has just recently passed the Electronic Transaction Act ( 4<sup>th</sup> July 2016)
- ❑ Under the E – Transaction Act , MACRA on behalf Government has been tasked with some cyber security mandates

# Aspects relating to COP -Child Pornography

“*child pornography*” means material that visually depicts images of –

- (a) a person under the age of eighteen engaged in sexually suggestive or explicit conduct; or
- (b) realistic images representing a person under the age of eighteen engaged in sexually suggestive or explicit conduct;

**S. 88** – criminalises production, reproduction, distribution and possession etc

- Public internet providers to use pornographic filtering software
- Penalty – MK10 Million / 15 yrs IHL

# OTHER COMPUTER RELATED OFFENCES

- ❖ Cyber harassment
- ❖ Offensive communication
- ❖ Cyber stalking

## **COP crimes not covered –**

- Grooming
- Parents/ guardians who acquiesce to participation of their children in child pornography
- Punishing attempted crimes

# PUBLIC AWARENESS



- (S.100) – MACRA to implement public awareness on the following:-
- scope of cybercrimes;
  - tips on safe cyber experience;
  - promotion of educational uses of Internet; and
  - remedies and procedures when affected by cybercrime.



# ISP ONLINE LIABILITY - Take Down Requirement

- ❖ Freedom of online communication may be limited to prohibit child pornography ... (s.28)
- ❖ To make available & inform subscribers technical means of restricting access to certain data / services
- ❖ Promptly inform Authorities & its organs of illegal content
- s. 33** – to preserve & save data under (s. 34)
- ❖ The High Courts' power to order ISP to provide details of data under (s.34)
- ❖ MACRA to make Regulations regarding Saving & retention of data under (s.34)



# OTHER SUPPORTIVE STRUCTURES

- ❖ Appointment of cyber Inspectors ( s.72)
  - *To monitor & inspect online unlawful activities*
- ❖ CERT (s.10) – coordinate national responses to cyber incidents/ threats

# INITIATIVES

❖ Development of National Cyber security strategy ++++ ( General)

- Require specific COP initiatives targeting:
  - Responsible use of ICT by children
  - Protecting children from cyber related crimes that target children

# Promotion of Responsible use of ICT by Children – Environmental Assessment

- ❖ Multi-stakeholder Consultations ( Government - led, Industry players, Schools, NGOs, Start- Ups etc)
- ❖ Research on Use of ICTs by Children ( Focus Groups & surveys) ( ICT usage, Technologies used, level of awareness etc)
- ❖ Capacity Building ( Teachers)
- ❖ Conduct Education & Awareness (Teachers, parents & children)
- ❖ Establish Reporting Mechanism
- ❖ Establish Support System
- ❖ Promote Technical Tools
- ❖ M&E

# Initiatives for COP Crimes

- ❖ Review and develop laws related to COP related crimes
- ❖ Establishment of Hotlines & child help lines (short code 116)
- ❖ Capacity Building for Law Enforcement
- ❖ Foster Industry & law enforcement collaboration
- ❖ Develop International Coordination
- ❖ International Commitments

# Conclusion

- ❑ COP needs to be prioritized in any Cyber security Agenda for any Nation.
- ❑ As per African proverb “ ***It takes a village to raise a child***” COP is a shared responsibility for both Govt, Industry, Schools, parents etc. it follows therefore that Multi stakeholder approach to COP is critical.

# END PIECE



*Thank you all for your attention*

**Malawi Communications Regulatory Authority (MACRA)**  
**MACRA House**  
**Salmin Amour Road**  
**P/Bag 261**  
**Blantyre**

**Tel: 01- 883611**  
**Fax: 01- 883890**

**E-mail: [tchimbe@macra.org.mw](mailto:tchimbe@macra.org.mw)**

**URL: [www.macra.org.mw](http://www.macra.org.mw)**



*Promoting Universal ICT Access*

