

SCROL - RESPONSE PROJECT

JUSTICE SYSTEM RESPONSE TO ONLINE CHILD SEXUAL EXPLOITATION ASSESSMENT REPORT

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Acronyms and abbreviations

AHTCPU – Anti-Human Trafficking and Child Protection Unit

CUC – Court User Committee

DCI – Directorate of Criminal Investigations

IMEI – International Mobile Equipment Identity

KII – Key Informant Interview

NCAJ – National Council for the Administration of Justice

OCS – Officer Commanding Station

SOP – Standard Operating Procedure

TdH NL - Terre des Hommes Netherlands

ODPP - Office of Directorate of Public Prosecution

SCROL - Safety for Children and their Rights OnLine

OCSE - Online Child Sexual Exploitation

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Finally, I wish to appreciate the role played by other stakeholders who I may not have mentioned here for their contribution. The findings from the formative assessment will be used to inform the design of the specialised capacity development including adapting training content for the justice system officers to equip them with skills and knowledge to better respond to OCSE cases reported to them.

Magdalene Wanza

Country Director, Kenya

Terre des Hommes Netherlands

Executive Summary

The SCROL Response (SCROL-R) project proposes a specialized capacity development solution targeting investigators, prosecutors and judicial officers, who are the main justice sector actors tasked with investigating, prosecuting and adjudicating OCSE cases. The project also targets police officers from selected police stations in Kibra and Dagoretti sub counties, Nairobi County. The two areas were selected to leverage on the work being done under the ongoing SCROL programme, and considering the commitment demonstrated by government officials in these locations. The primary target will be officers in police stations who handle child related cases; investigating officers drawn from the Directorate of Criminal Investigation (DCI), and selected prosecutors and magistrates within the two sub-counties.

The training targets to broaden the number of trained officers and investigators to handle OCSE cases, enhance the capacity for effective prosecution of OCSE cases and enrich the knowledge of judicial officers in order to enhance the adjudication of OCSE cases in the selected sub-counties. The trained officers will constitute a group of experts that will commit to champion effectiveness in addressing OCSE cases once reported. Since the solution will be piloted in two controlled areas (sub counties), a coordination mechanism will be established that would see all the trained officers from the police, DCI, prosecution and the courts work collaboratively across agencies on any reported cases.

To complement the capacity enhancement (in person specialized training), SCROL-R will develop an easy-to-use version of the OCSEA Standard Operating Procedures developed by the Directorate of Children Services with the support of ChildFund in the form of a checklist, so that the trained officers will use it as a reference document when handling OCSE cases. The checklist will provide instructional information on the processes and actions to be taken in relation to the reporting,

investigation, prosecution and adjudication of OCSE cases. In particular, the checklist will break down various components that must be proved in order to successfully sustain an OCSE charge at trial, the nature of evidence required to successfully prove these offenses in a court of law, and the steps officers should follow when responding to OCSE cases from the time of reporting, right through to investigation, prosecution and trial.

Based on the project objectives, the survey design adopted was in the form of a formative assessment. Formative assessments are used by learners and instructors to capture the levels of knowledge and skill within the learning process. The assessment aimed at assessing the knowledge, skills and attitudes of law enforcement agencies in respect of OCSE cases, and would therefore require an assessment of existing capacity gaps among law enforcement agencies and structural gaps in the justice system with regard to OCSE cases.

The formative assessment was a participatory and structured exercise designed to identify the disconnect between existing capacity and the capacity required for law enforcement agencies to effectively investigate, prosecute and adjudicate OCSE cases. The assessment was primarily qualitative, with the methodology adopting the use of Key Informant Interviews administered to the four categories of respondents (i.e. station level police officers, investigators, prosecutors and magistrates), as well as a Focus-Group Discussion with a section of the station-level police officers. The assessment also drew on observations made by the Consultant from site visits of police and court stations in the study area. The sample size consisted of 18 station-level police officers, 3 investigators from Directorate of Criminal Investigations Child Protection Unit, 4 prosecutors from the Office of the Director of Public Prosecutions and 7 magistrates and 1 judge from the judiciary of Kenya. Conducting this assessment was instrumental not only in identifying gaps, but

also in identifying training needs and designing suitably tailored curriculum able to address the capacity gaps identified.

Key findings indicate that there are hardly any OCSE cases reported to the police stations that constituted the study area. This was attributable to the high levels of ignorance both in the communities served by the police, but also by the very police officers manning gender desks at the various stations assessed during this assignment. The assessment also found the huge knowledge gap among station level police officers has a direct effect on their ability to identify online sexual offenses against children as well as investigate them. In addition, the assessment found that most of them consider it the exclusive role of DCI to investigate online aspects of sexual offenses against children, citing that investigation of online offenses is complex and lengthy. As such, regular police officers do not ordinarily probe to establish whether sexual offenses against children had digital aspects that require investigation and subsequent prosecution.

On the flip side, the assessment revealed that several reports are received by the AHTCPU, but not all of them are actionable in the sense of being fully and comprehensively investigated. This is attributable partly to the presence of very few investigators vis-à-vis the number of tip offs received in a month, alongside other factors such as whether or not the incident being investigated took place in Kenya, whether the child victim is in imminent danger as well as the age of the child in question. As a result, there are not many active OCSE cases in court compared to the number of cyber tips received. In addition, cases involving sexual offenses against children are many, but the digital component of these offenses or the interactions leading up to these offenses go untouched and un-investigated.

The assessment also found investigators from the Anti-Human Trafficking and Child Protection Unit (AHTCPU) to be well trained on matters of OCSEA. The assessment further established that the officers were well trained on digital evidence including the entire chain of custody required for such evidence from the point of identification, collection, preservation, analysis and presentation at trial. The same was not the case with station level police officers.

Multi-agency collaboration is critical to the successful investigation, prosecution and investigation of OCSE cases. In addition, it was the finding of this assessment that there is a high level of collaboration between AHTCPU investigators and public prosecutors, and that the two teams work together throughout the investigation and prosecution of OCSE cases. There is however, little to no cooperation between station officers and the AHTCPU or prosecutors. Comprehensive case management involving various actors in the justice sector was critical to delivery of child-friendly services in order for justice to be done. The assessment found that collaboration was critical not only among law enforcement agencies but also with other agencies involved in child protection in order to deliver holistic and child-friendly services that are premised on a victim-centered, trauma-informed approach.

Factors fueling OCSE are different depending on the prevailing socio-economic variants at play in a particular area. In some areas, even children (particularly teens) are knowingly and willfully involved in activities that would be classified as OCSE, but without the understanding that these activities are criminal in nature. It cannot be over-emphasized therefore, that the first cause of action lies in developing a comprehensive and strategic awareness campaign not only amongst law enforcement agencies but also within the society.

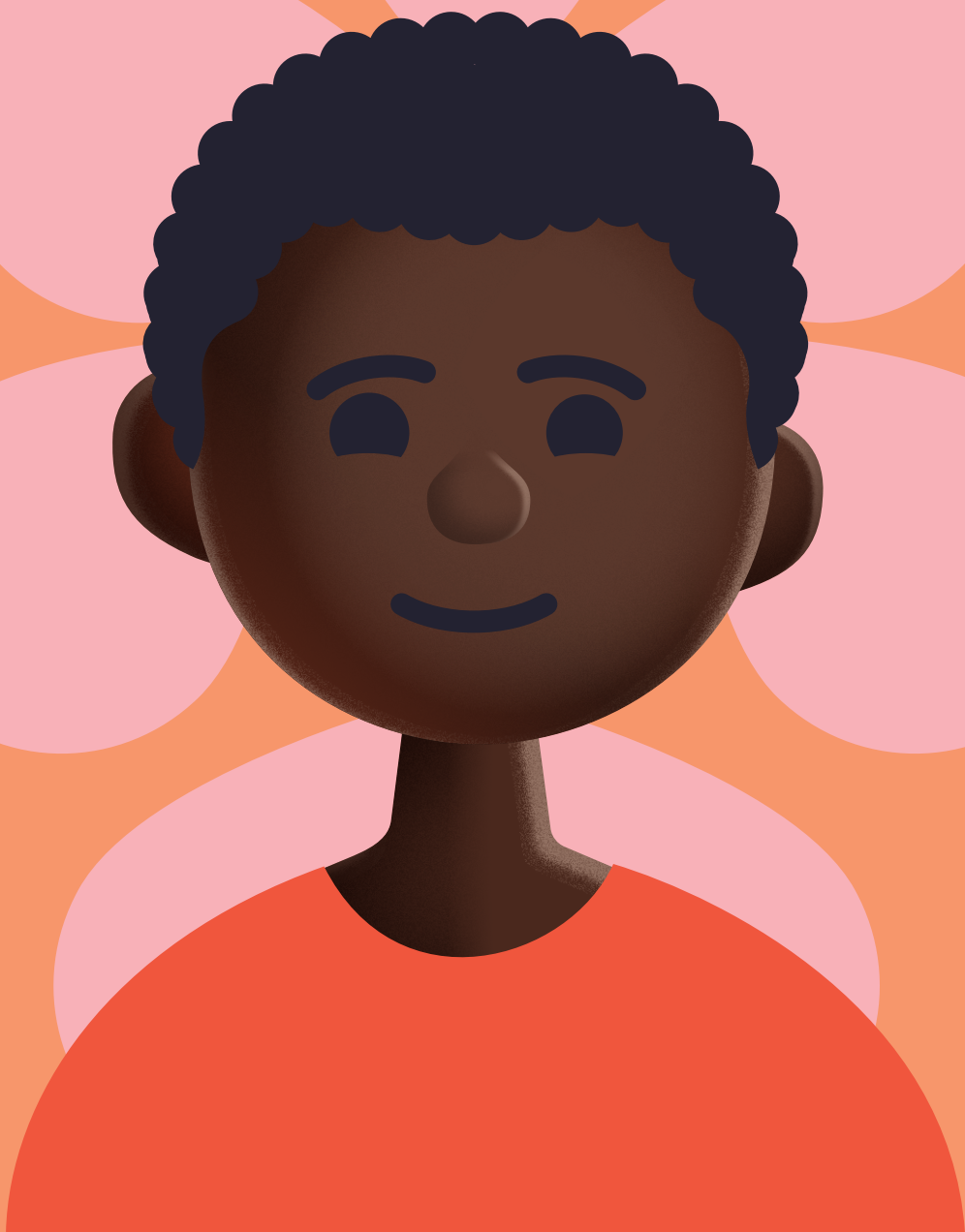
Key recommendations involve structured and strategic capacity building for police officers, public prosecutors and judicial officers particularly in safety of children online, the legal framework pertaining to OCSE in Kenya, identification of different forms of OCSE; investigation of OCSE cases; multi-agency collaboration and chain of custody and presentation of digital evidence in court. Training should be tailored for the different groups in line with their respective mandates and training gaps identified during the assessment. Further training to enhance the capacity of the justice sector actors to deliver child-friendly justice would include training on victim protection; trauma-informed care in respect of both child victims and witnesses; multi-sectoral case management, covering the processes, roles and duties of various agencies involved in the delivery of justice in matters involving children; and children in conflict with the law; basic training on psychosocial support and how to handle cases of children self-generating and/or sharing CSAM.

Other recommendations proposed include the development of a case digest on OCSE-related jurisprudence; legislative reform and adoption of an SOP for the investigation of online sexual offenses against children.

In addition, there is a need to engage society in order to create awareness at all levels of the child justice system regarding the criminal aspect of OCSE, reporting procedures and avenues the public can use in order to obtain help from law enforcement agencies. There is a need for enhanced and informed cooperation among all justice sector stakeholders, the need to come up with appropriate and responsive laws and regulations that will promote identification and prevention of OCSE. Further, it is also recommended that case management systems that prioritize hearing cases involving child victims be adopted in order to avoid delayed justice. This would cover a wider scope than only court services, and would

instead involve comprehensive access to child-friendly services at every level of the justice chain from reporting at the police station level, to the investigations process, psychosocial interventions and throughout the trial.

1. INTRODUCTION



Terre des Hommes Netherlands (TdH NL) is an international non-governmental organization committed to stopping child exploitation. TdH NL mission is to protect children by preventing and stopping child exploitation, and by empowering children to make their voices count. And her vision is that children can flourish in a world free of all forms of exploitation.

TdH NL's vision and mission are inspired and guided by international human rights instruments and standards, in particular the United Nations Convention on the Rights of the Child, the Council of Europe's Lanzarote Convention, the International Labour Organisation Conventions and aligned with achievement of the SDGs, in particular Goals 5, 8 and 16.

In 2022, Terre des Hommes Netherlands launched its 2023-2030 Listen up! Strategy with the aim of creating systemic change that addresses the root causes of child exploitation. TdH NL will achieve this by empowering children and their communities, connecting them with those who have power to enact change, engaging in lobby & advocacy campaigns, working with partners to build resilience of children, families and communities and utilizing knowledge and expertise to co-create sustainable, evidence-based solutions.

On the African continent, TdH NL works in Kenya, Uganda, Tanzania, Ethiopia and Madagascar. In these countries, TdH NL develops and implements programs in close collaboration with local partner organizations. In Kenya, TdH NL programmes are implemented in Central, Rift Valley, Coastal, Western and Northern regions of Kenya where staff work with communities, government, private sector, civil society organizations and children themselves, at the center, to address systemic and structural drivers that expose children to exploitation.

Purpose & Objective of the Formative Assessment

This assignment aimed at establishing the gaps at

each link of the justice system chain to inform the delivery of the SCROL-R programmes specialized training. The assessment aimed at assessing the knowledge, skills and attitudes of law enforcement agencies in respect of OCSE cases, and will therefore require an assessment of existing capacity gaps among law enforcement agencies and structural gaps in the justice system with regard to OCSE cases.

The specific objectives for the formative assessment were:

1. To conduct an analysis of the knowledge, attitudes and practices (KAP) in relation to OCSE by law enforcement agencies.
2. To establish law enforcement agencies' capacity level in investigating and prosecuting OCSE cases.
3. To establish the level of response by law enforcement agencies to address OCSE cases from intake, investigation, prosecution, to adjudication.
4. To provide recommendations for the effective implementation and/or adaptation of the disseminated knowledge/information acquired from the specialized training targeting the law enforcement agencies.
5. To employ an educational framework that facilitates a comprehensive understanding of legal protocols, specialized investigative techniques, and collaborative strategies among the law enforcement agencies, ensuring effective knowledge transfer and skill development.

1.1 Methodology

The assessment was a participatory and structured exercise designed to identify the disconnect between existing capacity and the capacity required for law enforcement agencies to effectively investigate and prosecute OCSE cases. Conducting this assessment was instrumental not only in identifying gaps, but also in identifying training needs and designing suitably tailored curriculum able to address the capacity gaps identified.

The assessment also served as the starting point in identifying and evaluating existing gaps at the individual and institutional level and more specifically, existing gaps in relation to knowledge, attitudes and practices towards OCSE cases by law enforcement agencies. The Consultant conducted the study within Kibra and Dagoretti sub-counties in Nairobi county.

The formative assessment was to cover ten (10) police stations from the sub-counties mentioned in the preceding paragraph. However, the assessment obtained data from eight (8) of these stations, due to limitations that are set out in further detail in subsequent parts of this report. The assessment also drew respondents from the Directorate of Criminal Investigations (DCI), the Anti-Human Trafficking and Child Protection Unit (AHTCPU), the Office of the Director of Public Prosecutions (ODPP) and the Judiciary of Kenya. The Consultant had Key Informant Interviews with police officers stationed at gender desks in seven of the police stations covered by the assessment, as well as with officers from DCI's child protection unit, public prosecutors and judicial officers. The Consultant also had one Focus-Group Discussion with officers from one station that was covered in the assessment.

Key-Informant Interviews were preferred because they present an opportunity to interrogate in an in-depth manner, the experiences of the respondents in relation to the assessment's objectives, and more so, in establishing the knowledge, attitudes and practices around OCSE cases within their respective lines of work. The interviews followed a structured interview guide which had a mix of closed, open-ended and scale questions (which required the respondents to give a rating). This ensured that consistency was maintained when assessing the different respondent groups. The questions were also tailored for the specific respondent groups. This approach not only brought out the respondents' practical experiences, it also allowed the consultant

to raise additional questions based on answers that were given by respondents, which was instrumental in painting an accurate picture of the state of affairs when it comes to knowledge, attitudes and practices around OCSE cases. The consultant had one Focus-Group Discussion with officers from one station that is served by ten officers. The OCS was of the view that, being a small station, the collective experiences of the officers would be useful to the assessment.

The selection of respondents was informed by the Terms of Reference, which required the assessment to cover police officers, investigators, public prosecutors and judicial officers. The consultant interviewed police officers who man gender desks at the stations identified for the assessment, based on the fact that all matters related to sexual offenses against children are designated to be handled by police gender desks. The number of officers assigned to the gender desk varies per station, and the consultant interviewed the designated officers at the respective stations, save for High-Rise Police Post which does not have a gender desk, and Mutuini Police Station where the assessment took the form of a Focus Group Discussion. Investigators were drawn from the Anti-Human Trafficking & Child Protection Unit of the Directorate of Criminal Investigations. Since the assessment was in respect of online child sexual exploitation, the sample size was drawn solely from officers designated to the online unit. The prosecutors were drawn from both Kibra and Milimani Law Courts, which serve the two sub-counties covered by the assessment. Judicial Officers were drawn from Kibra, Milimani and Makadara Law Courts, but as at the time of presenting this report, consent to interview judicial officers had not yet been granted by the Chief Registrar of the Judiciary.

The consultant targeted five (5) investigators from the child protection unit of the DCI, and was able to interview three (3). The online department of

the child protection unit has six officers. One was away attending a promotional course at Kiganjo, another was also attending a training course in the USA at the time of conducting the assessment. The consultant was therefore able to have comprehensive KIs with three officers from this unit. The consultant had targeted to interview seven (7) public prosecutors and was able to interview 4. The assessment targeted 4 magistrates and the consultant was able to interview seven (7), and one (1) Judge of the High Court of Kenya.

The table below sets out this information.

1.1.1 Data Collection

	Police Officers	Investi- gators	Prose- cutors	Judicial Officers
Respondents Targeted	20	5	7	4
Respondents Interviewed	18	3	4	8

Table 1: Sample Size

The consultant conducted field visits to relevant police stations in order to observe the day-to-day work environment and conditions. This shed light on the effect of work environments in promoting or hindering effectiveness in investigating OCSE cases. It also gave the consultant an accurate view of the available infrastructure and equipment that law enforcement agencies may or may not have at their disposal for purposes of investigating OCSE cases. The Consultant was also able to visit and carry out Key Informant Interviews with investigators at their premises in Nairobi. Interviews with public prosecutors were conducted virtually while the meeting with the Chief Magistrate, Kibra law courts was conducted in-person at Kibra Law Courts.

The assessment was conducted between 17th May and 17th July, 2024. The assessment had targeted to interview at least 2 officers per station from each of the stations comprising the study area. However,

this did not materialize because some stations had only one officer assigned to the gender desk, or even where there was more than officer assigned to the desk, some were on duty elsewhere (Kibra, Mutuini & Langata Police Stations) or attending promotional courses at the police training academy in Kiganjo (Langata Police Station). Highrise Police Post does not have a gender desk, and the assessment did not obtain any data from Kabete and Jamhuri Police Stations), The consultant was therefore able to have KIs with 9 officers from gender desks, and one FGD with 9 officers. This brings the total number of respondents from this group to 18.

The assessment examined various aspects surrounding response to OCSE cases including knowledge of investigative techniques, degree of collaboration with other state agencies, best practices involved in OCSE (including trauma-informed care), knowledge on identification and prevention of OCSE, etc. The assessment covered law enforcement officers, investigators, public prosecutors, and judicial officers as outlined in the methodology section. The Table below covers the demographic information of interviewed respondents.

POLICE OFFICERS STATIONED AT GENDER DESKS			
YEARS IN SERVICE	YEARS AT GENDER DESK	MALE	FEMALE
2	2		X
6	-	X	
8	2		X
11	-		X
13	3		X
16	4		X
23	5		X
39	-	X	

INVESTIGATORS FROM THE CHILD PROTECTION UNIT			
YEARS IN SERVICE	YEARS AT AHTCPU	MALE	FEMALE
16	4		X
18	6	X	
5	5	X	

PUBLIC PROSECUTORS			
YEARS IN SERVICE	MALE	FEMALE	
10		X	
11	X		
11		X	
5	X		

JUDICIAL OFFICERS			
YEARS IN SERVICE	YEARS AT CHILDREN'S COURT	MALE	FEMALE
14	1	X	
22	3		X
8	3		X
12	1		X
12	1		X
5	5	X	
19	-		X
31	14		X

Table 2: Respondents' Demographic Information

1.2 Ethical Considerations

Key ethical considerations for the assignment:

Consent – this was free, proper and informed consent. Participants did so voluntarily, and had the right to withdraw at any stage. They were also required to sign a consent form to that effect.

Transparency – clear information about the survey was provided, including details on what the data would be used for, and who would have access to it.

Confidentiality and Anonymity - personal identifiable information was excluded from the final report even though it was gathered during the data collection phase. Information shared was in some instances sensitive and respondents' identities were protected. Storage of information generated in the course of the assessment will remain confidential even after completion of the assessment.

1.3 Data Analysis

The data collected through the key informant interviews was subjected to deep analysis. A comprehensive data cleaning process was undertaken to ensure data quality and accuracy, a process that involved the identification of missing and inconsistent responses. Duplicate records were also identified and eliminated to uphold data integrity. Data analysis in respect of quantitative data was performed using the SPSS software package (version 27), with supplementary data preparation conducted using Microsoft Excel. All variables from each interview section, including numerical and string variables, underwent comprehensive analysis. The approach to analysis was determined by the nature of the variables and the specific questions asked to different actors. Thematic analysis was employed to categorize nominal data into thematic areas, facilitating the drawing of conclusions. Summary tables, cross-tabulations, and multiple response sets were utilized to organize extensive and varied responses into cohesive themes. Various visualizations were generated to aid in the interpretation of results. Outputs were presented in tabular form, with bar charts being employed to visualize the distribution of various variables.

1.4 Data Quality

Data quality aimed at ensuring that the data collected meets the user's standard of excellence.

The quality of data was ensured through

- a. Data Cleaning – fixing incorrect, incomplete, duplicate or improperly formatted data.
- b. Accuracy – analyzing data through a variety of participants' views in order to identify points of divergence and agreement as the case may be. Critical because this is based on respondent experiences and practice.
- c. Structuring questions in a manner that brings out precise responses that can be cross-checked for accuracy.
- d. Ensuring data collected was relevant to the exercise, and was collected in a manner that accommodates proper ethical considerations.
- e. Presenting the data in a manner that is understandable and relevant to the end user.

Further, in order to ensure that the findings were credible, the consultant adopted the multi-vocality approach, defined simply as the inclusion of many voices. This means that data was analyzed from a variety of participants' points of view and highlighting the points of divergence and agreement as the case may be. Credibility was enhanced by considering how these differences play a role in the various narratives of contextual practices and performances, particularly because the nature of the assessment relied heavily on the experiences of the respondents. Preliminary findings were presented for internal validation with the Terre des Hommes team on 31st July, 2024. The findings will be subjected to further validation by the relevant external stakeholder groups from the National Police Service, DCI, the ODPP & the Judiciary).

1.5 Limitations, Risks & Mitigation

The study was not without its challenges. The study was limited to two sub-counties within Nairobi, which also narrowed down the sample size significantly, especially with regard to police officers. This was however mitigated by triangulating data received from the remaining

agencies whose duties cover the entire county. The study was also limited exclusively to police officers, investigators, public prosecutors and judicial officers even though there are other key stakeholders in the child justice chain such as children officers.



2.

KEY FINDINGS

This section presents details of the key findings from interviews conducted among the key respondent groups for the assessment exercise. The Safety for Children and their Rights Online (SCROL) programmer aims to contribute to the reduced forms of child sexual exploitation that are facilitated online. A baseline survey was conducted to analyze the Knowledge, Attitudes and Practices (KAP) in relation to OCSE, by different actors. The study targeted hotspot areas in Nairobi, with a particular focus on Kibra and Kawangware.

The SCROL baseline study explored the OCSE landscape in Kenya, and its findings were foundational to the present formative assessment. The study concluded that many children in the study area had internet access, but had poor knowledge on privacy settings, which made them vulnerable to online abuse. The study further established that the level of training on matters of OCSE was important to the manner in which OCSE cases were identified, documented and prosecuted. These findings helped inform the study area for the formative assessment, which served as a channel through which to examine and assess the Knowledge, Attitudes, and Practices of justice sector actors in relation to OCSE matters.

2.1 Police officers – (gender desks)

The data analyzed in respect of police officers manning gender desks was gathered from eight (8) out of ten (10) police stations that form the study area of the formative assessment. The stations were as follows; Kibra, Langata, Riruta, Muthangari, Kangemi, Dagoretti, Mutuini and Highrise Police Post. The consultant obtained consent from the respective Officer Commanding Station (OCS), as well as from each individual respondent who was interviewed.

2.1.2. Respondents' Knowledge on OCSE

This component of the assessment sought to examine the knowledge and capacity of police

officers stationed at gender desks in relation to OCSE. Among other issues, questions centered on; the nature of OCSE offenses that are reported at the stations; respondents' views on what the causes of OCSE in their areas of jurisdiction were; offenses with which perpetrators of OCSE were charged with; whether it was ordinary practice to establish whether there was a digital/online aspect to sexual offenses against children and the nature and process of collecting relevant evidence.

From the interviews conducted, the respondents attributed OCSE to various causes namely; children having easy access to the internet; children not being free with their parents, resulting in the children not informing their parents of incidents of abuse that may happen online, and by extension exposing themselves to repeat incidents of the same and children having unsupervised access to the internet.

It was established that the majority (5 out of 8) of the surveyed stations had not received reports on OCSE cases, for various reasons. One station (Mutuini) serves a relatively rural community. According to one respondent, children 'are not free with their parents' and therefore do not freely discuss what they (children) do online, including experiencing cases of online abuse. The officers noted that the community was a conservative one where people do not easily report sexual offenses, including offline ones such as defilement. They also attributed this failure to report on ignorance and high poverty levels. In relation to poverty levels, the officers explained that not many people live near the station and raising the transport fare to go to the station to report and to hospital to get the necessary medical reports (in case of defilement) was a challenge. They also pointed out that most offenses are reported to the Chief or Sub-Chief.

Another reason that was offered as an explanation to the non-reporting of OCSE cases was 'lack of exposure.' The officer at the station serving

Kawangware (a low income area), termed the society as ‘not having exposure’ to mean that the population in Kawangware did not have knowledge on OCSE, and so they did not report such cases. The officer did however indicate that there are several defilement cases reported (about 10 per week), but most of them are ‘Romeo & Juliet’ (a term used in the Kenyan criminal justice system to refer to teenage lovers) which did not end up in court. Another officer from the same station contrasted Kawangware with Lavington (an upper class neighborhood also served by the same station) and pointed out that those in Lavington were more knowledgeable on OCSE. Be that as it may, no OCSE case had been reported to this particular station. The respondent opined that access to mobile phones by children in Kawangware was limited.

1 police station covered in the assessment did not have a gender desk. Being a police post, it is required to refer all cases involving sexual offenses against children to Langata Police Station under whose jurisdiction it is under. 1 respondent indicated that they had one active OCSE case which had been referred from a police post. 1 respondent confirmed they had 1 matter which they had referred to the DCI cybercrime unit. Respondents from the remaining stations stated that they had not received any OCSE cases at their respective stations.

It was established from the assessment that the communities surrounding some of the stations are ignorant about OCSE cases and they perceive actual sexual contact as the offense and not the online aspects (such as grooming). This population also does not have easy access to the internet and mobile phones, attributed to the fact that this population is located in a slum area. Another respondent also opined that drug abuse could be a cause of OCSE. The respondent reported that drug use by school going teenagers (14-16 years) could be a cause of online sexual abuse. The respondent pointed out that teenage behavior in the area could also be morally influenced by the presence

of young adults from institutions of higher learning that are concentrated in the area. The respondent disclosed that there were apps in use in the area by the LGBTQ community, and that he had handled a matter reported by a teenage girl in a same-sex relationship who opted to report the matter to the police as a way of circumventing her parents becoming aware of the case. The respondent reported that sextortion among teens was common, citing that perpetrators mostly used nude photos to threaten victims. It was the respondent's feedback that the perpetrators and victims in the matters he had handled found each other online. He further disclosed that he referred the children to a counseling psychologist located at Kikuyu Police Station's child protection unit. It was also determined that poverty is a major issue in the area

POLICE STATION	REPORTED OCSE CASES (MAY 2023 – MAY 2024)
Highrise Police Post	-
Langata Police Station	1
Kibra Police Station	-
Riruta Police Station	1
Muthangari Police Station	-
Dagoretti Police Station	1
Mutuini Police Station	-
Kangemi Police Station	-

Table 3: Reported OCSE Cases

and because of it, minors are easily lured into crime. From the feedback obtained it was established that common charges pressed against perpetrators could not be well determined as the majority of the stations had not handled any OCSE cases. It was also established that police officers stationed at gender desks were not well equipped to deal with OCSE cases. This was attributed to the fact that the police officers had not been trained in OCSE during their formal training at the police training school or even on the job. Of the respondents interviewed, only one had some confidence that the police

officers are well equipped to handle OCSE cases. It was also established that the officers were not aware whether there are laws which specifically govern OCSE cases.

Respondents were asked how often they charged perpetrators with offenses from the Sexual Offences Act, the Computer Misuse & Cybercrimes Act, the Counter Trafficking in Persons Act and Children’s Act. It was established that none of the officers interviewed had ever pressed charges from the Computer Misuse & Cybercrimes Act and Counter Trafficking in Persons Act. The Sexual Offences Act was the most frequently used to charge perpetrators, and it should be noted that the offenses charged were offline sexual offenses. One officer reported having been charged under the Children’s Act in a case that related to exposing children to pornographic content. This is illustrated in Table 4 below.

How often do you charge from the following statutes:	Count		
	Never	Often	Rarely
Sexual Offenses	1	9	0
The Children Act	9	0	1
Computer Misuse & Cybercrimes Act	10	0	0
Counter Trafficking in Persons Act	10	0	0

Table 4: Use of Various Statutes to Charge.

When it was evident that OCSE cases were not reported to the stations, the consultant sought to know whether reports of sexual offenses against children were frequent. It emerged that reports of offline sexual offenses against children were common. Further queries to establish whether the officers probed these reports to identify whether or not there was online engagement between victims and perpetrators revealed that such lines of investigation were not pursued. As such, even where there was a probability that interaction between the perpetrator and the victim began

online, this aspect is not covered in the charge. Instead the officers simply charge perpetrators with the offense of defilement, which, strictly speaking, does not fall within the category of OCSE. The consultant also observed that the majority of the officers perceived cybercrime and offenses that occur online to be within the exclusive mandate of DCI to investigate. These findings demonstrate that it is not ordinary practice to establish whether there is a digital/online aspect of sexual offenses against children reported at the station. This means that there is likelihood of online engagement between perpetrators and victims of offline sexual offense, but because the online engagement is not investigated, relevant charges cannot be pressed. Feedback from prosecutors interviewed in the assessment revealed that evidence of online engagement between victims and perpetrators does emerge when the victims give their testimony in court.

The assessment went further to examine whether there are any SOPs which are followed when collecting the digital evidence and only one police station acknowledged that SOPs are there. The respondent explained that the DCI Cybercrime Unit does most of the work when it comes to analysis of digital evidence. When asked how she went about with collecting and handling digital evidence, the respondent in questions explained that where there is digital evidence to be extracted, a letter is forwarded to the DCI, explaining the nature of evidence required from the phone, the offense the accused is charged with, as well as the police station and OB number. This letter looks different depending on the officer writing it as it is not a standard template. However, it should ideally capture the details described above.

The respondent indicated that this SOP is followed in order to guarantee chain of custody by labeling all physical exhibits (e.g. phones will have details like the model, IMEI number being displayed/labeled). Respondents from 4 of the stations were not

Evidence of SOPs followed when collecting digital evidence in OCSE cases

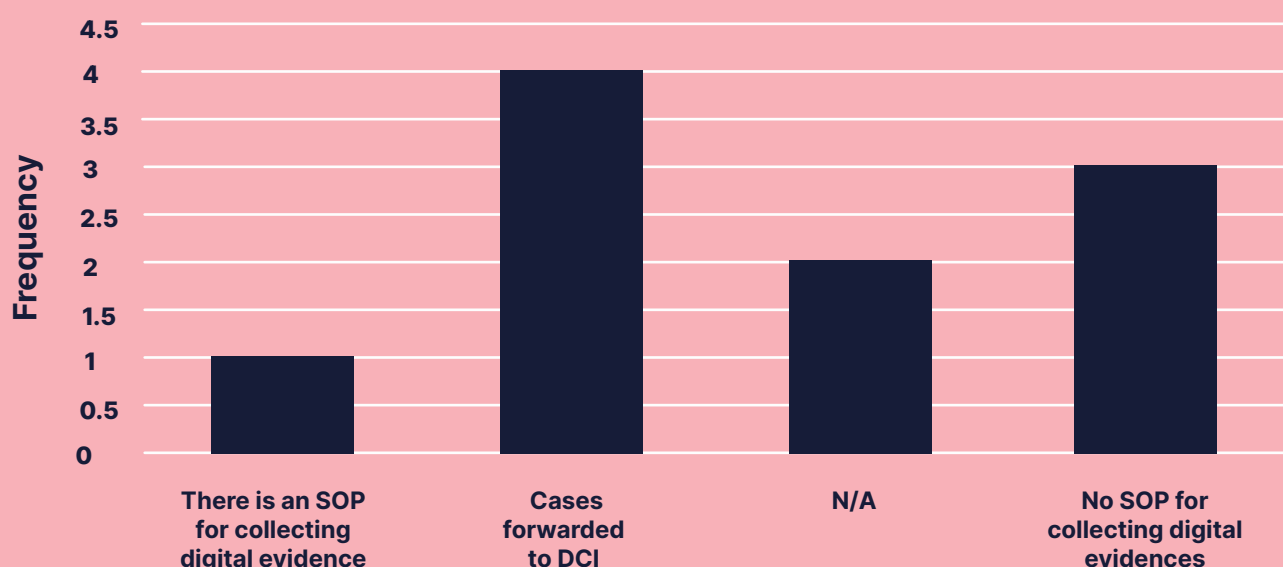


Figure 1: Evidence of SOPs followed when collecting digital evidence.

aware whether SOPs are there since they forward any cases with digital components to the DCI, respondents from 3 stations acknowledged that there are no SOPs and 2 did not know. This is shown in figure 1 above.

One respondent who handled a case involving exposing a child to pornographic content described the kind of evidence that they would collect/ look out for when handling OCSE cases as being text messages (of communication between the perpetrator and the victim), social media accounts of the victims, picture gallery (for downloads and/ or received images) and browsing history. It was this respondent's view that the police officers were not adequately trained at Kiganjo to effectively investigate OCSE cases. This position was also echoed by other officers in this respondent group, citing that cybercrime was not part of their training syllabus. Some respondents termed OCSE as an emerging form of crime which they were not trained on, and thus recommended that additional training would be necessary. One officer indicated that she had received training on trafficking and child labour but not on OCSE. Other respondents indicated that they had been trained on the Sexual Offences Act

but not on online sexual offenses against children. The Consultant is of the view that this also hampers the ability of the officers to probe the existence of online engagement between victims and perpetrators in defilement and other offline sexual offenses reported.

The respondents were asked to rate how often they collaborated with the AHTCPU and Cyber Crimes Unit of the DCI to investigate OCSE cases. It emerged that collaboration in this regard was rare. When asked whether to rate their collaboration with prosecutors, respondents from 2 of the stations acknowledged that they often collaborate with prosecutors, 1 station averagely collaborates with prosecutors and the rest rarely collaborate with prosecutors. One officer stated that they only got to interact with prosecutors when a matter was allocated to a particular court. It should be noted that this was one of the stations that reported not having received an OCSE case, and therefore the interaction with prosecutors was in relation to trial of offline sexual offenses against children. The officer stated that she had never been involved in a prosecutor-guided investigation. This state of affairs is a sharp contrast to feedback received from

investigators at the AHTCPU and public prosecutors who confirmed collaboration on matters, from the onset and through the trial process.

2.1.3. Respondents' Attitudes Towards OCSE Cases

Among the respondents interviewed only 1 was working at the gender desk as their first posting since they joined the service, the rest had had other postings before coming to the gender desk.

The assessment sought to examine the community's perception towards the OCSE cases in order to determine whether this affected reporting rates. Community perceptions were assessed from the lenses of the interviewees based on their experiences and interactions with the communities they served. The assessment therefore sought to elicit the views of the respondents, and it was established that the majority of the communities surrounding the police stations comprising the study area do not see OCSE as a problem. Only one area had a section of its population singled out as being knowledgeable on OCSE matters. The reasons for them not seeing it as a problem were categorized into three themes namely;

- a. perceptions influenced by the nature of the area the population inhabits (in this case, the affluent are more exposed and knowledgeable whereas those in informal settlements aren't well versed in matters OCSE)
- b. lack of awareness that OCSE is not only morally wrong but also criminally wrong
- c. ignorance about OCSE

Another reason that contributes to the community's low level of awareness is that they are not aware of some of the immoral behaviors that their children are exposed to, for example there was feedback that there are some play station businesses that expose children to pornographic content. The other reason why the community sees it as a no problem case is because of ignorance which is brought about by the community perceiving sexual

offenses as a taboo topic that should not be openly discussed or dealt with.

Having examined the perception of the community through the lenses of the respondents interviewed, the assessment also sought to investigate the perceptions of the officers towards OCSE. To do this, the assessment narrowed down the investigation to three main forms of OCSE namely grooming, CSAM and sexting, in order to discover how the respondents treated these cases once they received them. It was established that none of the respondents had ever handled a case with Grooming and CSAM and only one respondent had handled a case that involved sharing pornographic content. In this particular case, the officer disclosed that the parties had shared nude content willingly and only reported when their relationship turned sour. It was the respondent's opinion that 'there was no criminal element' in the present case and that no charges were pressed. The case in point involved two young adult males. The respondent disclosed that cases such as this one which involved adults were referred to DCI's cybercrime unit for further action.

It is the consultant's observation that the respondents perceive online/digital/cybercrime as being reserved solely for the DCI when it comes to investigation. The consultant posed examples to the respondents in terms of possible forms of OCSE such as grooming, sharing pornographic material etc., to probe how the officers would treat such matters. The standard response was that such cases are not theirs to investigate but rather for the DCI, because the DCI already has a specialized unit to handle that. The respondents also pointed out specifically that their training did not cover online forms of crime, thereby cementing the perception that they cannot investigate them. There was also a strong focus on prosecuting offline sexual offenses which are easier to investigate. It is the consultant's conclusion therefore, that this inability to investigate OCSE cases is first an issue of lack of technical

know-how, then one of inadequate resources to do the same. It was the consultant's observation that none of the gender desks at the stations visited even had a computer. This means that even though the officers received training, it would still be necessary to ensure that they have the required infrastructure and software needed to analyze or otherwise process digital evidence.

The assessment also sought to determine how OCSE cases are prioritized in light of other cases reported at the stations. The findings were categorized into 5 thematic concepts as shown in table 3 below. It was found that most cases reported are offline sexual offenses against children (ordinary defilement cases).

	Count	Percent
Forwarded a case to the Cybercrime Unit	1	10.0
Forwarded to ODPP for prosecution	2	20.0
Forwarded to the police station that handles it	2	20.0
N/A	1	10.0
No OCSE cases reported	3	30.0
They are generally prioritized	1	10.0

Table 5: Prioritization of OCSE Cases.

3 of the stations reported that they have not had any OCSE cases brought to them, 2 stations reported having forwarded such cases to the ODPP for prosecution after investigations were done. The respondents in both cases indicated that the DCI Cybercrime unit was involved in the investigations and that both cases were presently in court. Respondents from 1 station and 1 police post respectively reported forwarding the cases to police stations under whose jurisdictions they fall. (One of these stations is actually under the jurisdiction of Kikuyu Police Station, Kiambu County which has a fully-fledged child protection unit). 1 respondent reported forwarding cases to the Cyber Crime Unit. The case that was forwarded to the DCI involved teens involved in cyberbullying on Instagram.

One of the respondents that reported forwarding cases involving children to Kikuyu police station explained that they only do the preliminaries such as advising the victim to go to hospital for examination. Referrals to Kikuyu Police Station were made because it is a child protection unit with a dedicated counseling psychologist and other psycho-social support staff, that makes the unit a one-stop-shop for anyone reporting a sexual offense against a child. The respondent also indicated that they documented all cases they receive in the occurrence book, including the sexual exploitation cases.

Several factors were seen to act as a hindrance when the police formally report and respond to OCSE cases. The major challenge was that the community does not report the cases. This is seen across 6 stations as shown in table 6 below. The society at large does not see it as a criminal issue thus they only report the offline aspects that is, defilement. Most people also prefer to handle such cases among themselves (i.e. between the victim's family and the perpetrator's family) out of court seeing no need of reporting. The assessment also established a trend based on respondents' feedback where it was established that some cases were only

reported in the hope of using this as a strategy to extract money from the perpetrators, as opposed to seeking justice for the victims. It also emerged from respondents interviewed that some communities do not report cases because they perceive sexual offenses as “embarrassing” and not “something to be discussed openly.” The Nubian community in Kibra was in particular, singled out for this as was the community served by Mutuini police station. It was also observed that respondents reported that sexual offenses against children mostly happen offline because interaction between the perpetrators and victims is offline.

Challenge	Count	Percent
Community does not report	6	60.0
High levels of poverty and children not informing their parents	1	10.0
Late reporting of the cases	1	10.0
Police are not well trained to handle the cases	1	10.0
Station does not handle the cases	1	10.0
Total	10	100.0

Table 6: Challenges faced when reporting/responding to OCSE issues.

Another challenge realized was that of defilement cases being reported late which affects the process of its prosecution. These cases (defilement cases) are reported only when the issue has escalated to an extreme for example when it is discovered that the victim is pregnant, or after negotiations with the perpetrator have failed, or when the victim runs away from home. The type and quality of evidence

needed to successfully prosecute a defilement case is time-sensitive, particularly evidence generated from the findings of medical examination after the offense. Whereas medical evidence is not the only evidence required to successfully prosecute these cases, there is no doubt that medical evidence is weighty, and where it is not obtained in good time, the case is significantly weakened.

The high levels of poverty, children not informing their parents when such an issue happens to them and police not being trained well to handle such cases challenges were cited in 1 police station each. The officers also gave their views with regard to changes that they would affect if they were in leadership. One officer said that she would make the gender desk post gender neutral as only women are the ones who are always posted there. The respondent’s reasoning was that male officers also needed to be equipped to handle sexual offenses and cases revolving around gender based violence because their occurrence was part of day to day life in the communities the station serves. Another respondent proposed to have training on gender issues to be incorporated into the police curriculum. Others proposed to bring changes to the sector by providing a budget allocation specifically for the gender desk. This is because the officers are always forced to finance themselves while handling the cases (for example officers are forced to use their own vehicles when the station vehicle is not available to get to the victims and facilitate the logistics of transporting the victims to the hospital). The respondent was of the view that more resources that would make handling sexual offenses easier should be more readily available. Some of these resources included having a center where reporting, medical examination, and counseling are all on site. There are also insufficient rescue homes, which needs to be addressed.

Another officer suggested training for all officers. Specific training areas for officers are;

- Cybercrime

- Safety of Children Online
- Online Child Sexual Exploitation (the *legal framework* addressing OCSE-related offenses, how to *identify different forms of OCSE*, the *nature of OCSE*, *ingredients* that must be met in order to prove the different offenses, *investigation* of OCSE offenses, multi-agency collaboration for effective investigation and prosecution).
- Identification, collection, analysis, storage and presentation of digital evidence in court
- Offenses that go hand-in-hand with OCSE e.g. child trafficking for sexual exploitation where initial contact and grooming takes place online before the child is enticed to or deceived to travel elsewhere for purposes of sexual exploitation.

It is the Consultant's recommendation that training on the above subject areas should not be reserved exclusively for police officers, but should be effected in relation to public prosecutors and judicial officers as well. That way, there would be balance in terms of technical know-how and understanding of the roles that each actor is expected to play in the investigation, prosecution and adjudication of

OCSE cases. Further, such knowledge would help to strengthen collaboration in bringing perpetrators to book.

Training gender desk officers would help significantly in increasing available manpower as far as investigation of OCSE cases is concerned. It would also go a long way in ironing out the different roles played by DCI and regular police in terms of investigation. With offenses that have an online aspect, it was established that it is the DCI that deals with investigations while regular police investigate the offline aspect. There is a need to equip regular police to identify and investigate online sexual offenses as well. Sometimes in the interest of time, charges will be proffered for the offline offense ("so that the victim can also see that something is being done," but in actual sense, it is because, according to respondents, "it takes long to investigate online offenses." Another change suggested raising the need of having Child Protection Units at major police stations. This would ensure that the CPUs serve the sub-county and key services can be found under one roof.

	Frequency	Percent
Ensure child victims of sexual abuse to be prioritized at the hospitals, Allocating a budget for the gender desk	1	10.0
Have Child Protection Units at major police stations	1	10.0
Make the post gender neutral	1	10.0
Sensitizing the community about it, Training Officers on these cases	2	20.0
Training Officers on these cases and Allocating a budget for the gender desk	2	20.0
Training Officers on these cases and Effective case management so that cases are heard faster	1	10.0
Training Officers on these cases, Allocating a budget for the gender desk, Have Child Protection Units at major police stations	1	10.0
Training Officers on these cases, Iron out the interface between DCI and regular police, Have Child Protection Units at major police stations	1	10.0
Total	10	100.0

Table 7: Changes Respondents Would Affect in Leadership.

The assessment couldn't find an absolute degree to how much the officers are interested with handling these cases because the majority had never interacted with OCSE cases and in two stations out of the eight surveyed do not have a gender desk, thus the OCS and an officer in crime desk were interviewed. Only two officers said that they enjoy serving in the gender desk as one has a background in sociology which was driven by the love of working for children and one described it as a calling, stating that "saving children gives her satisfaction."

2.1.4. Trends in Reporting and Referral of OCSE Cases

Most common forms of OCSE cases reported at the station could not be determined because majority of the stations have not handled such cases but for the offline cases, the most common forms are defilement, sexual assault and child neglect. It was realized that only 1 OCSE case has been reported to 1 out of 8 of the stations surveyed. This

one case was reported by a parent. Other parties that usually report the cases of Sexual offenses generally are the victims, teachers and GBV volunteers from NGOs working with the community. Only 1 OCSE case has been forwarded to the DCI Cyber Crime Unit.

The steps taken once a case is received at the station are:

- The victims record their statement and if the station does not have the capacity to deal with the issue, they forward it to the station that can handle it for example for the one case that was received, the victim's statement was recorded at Bypass Police Post which then forwarded the matter to Langata.
- Some stations forward all sexual offenses are forwarded to ODPP for prosecution.
- Some stations refer cases with a digital aspect to the DCI Cyber Crime Unit, even though they are uncommon

Variables	No		Yes		Total	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Have there been complaints of children accessing inappropriate/sexual content through cyber cafés in your area of jurisdiction?	9	90%	1	10%	10	100%
Do children easily access cyber cafés in your area of jurisdiction?	4	40%	6	60%	10	100%
Are there referrals to children's officers for psychosocial support?	5	50%	5	50%	10	100%

Table 8: Assessing How Children Are Handled when Reporting Issues.

Of the OCSE cases (1 out of 10) reported to the stations, 1 has been forwarded to the ODPP for prosecution and it is still present in court. The case in point involved an adult perpetrator who had shown pornographic content to children at a playground. The respondent that provided details about this case informed the consultant that she liaised with the DCI cybercrime unit for purposes of extracting and analyzing digital evidence from the device the perpetrator used. Charges were pressed against the perpetrator and as at the time of writing this report, the matter was yet to take off, and the perpetrator had taken plea.

Challenges mostly hinder successful prosecution of OCSE cases were also narrowed down to 3 as shown in table 6. This was done so that the solutions being sought to the cases hindering OCSE prosecutions would not be vague.

From the narrowed down issues, knowledge on OCSE cases was the most reported challenge. There is a strong likelihood that OCSE cases occur, but because there are sections of the societies in the study area that lack awareness on how OCSE manifests, this affects reporting capacity. Further, the general perception that society has is that OCSE may be morally wrong but it is not a criminal offense, and because of that, there is little to no reporting.

Another major challenge was lack of knowledge of the legal framework amongst the police. This demonstrates that police officers are not aware of the laws and/or SOPs around OCSE cases and what the law says about it. It clearly demonstrates that police are inadequately equipped to handle OCSE. Insufficient budgetary allocation was also singled out as a challenge, which serves to illustrate the struggles that police officers have to deal with as they discharge their duties and responsibilities. It emerged from the feedback that there are no funds specifically set aside to deal with OCSE cases.

Other challenges that affect the successful prosecution of sexual offenses against children are detailed in the table below. Respondents disclosed

From your experience, what challenges mostly hinder successful prosecution of OCSE cases?	Frequencies cases Percent		
Challenges	N	Percent	
/Budgetary allocation	2	9.1%	20.0%
/Knowledge on OCSE	6	27.3%	60.0%
/Knowledge of the legal framework	4	18.2%	40.0%
/Other	10	45.5%	100.0%
Total	22	100.0%	220.0%

Table 9: Challenges Hindering Successful Prosecution

	Frequency	Percent
Cases don't end up in court	1	10.0
Cases don't get to the station	2	20.0
Lack of awareness concerning OCSE	1	10.0
Lack of resources to attend court	1	10.0
N/A	1	10.0
Officers are not trained to handle the cases and lack funding	1	10.0
Victims being compromised	1	10.0
Witnesses being compromised.	2	20.0
Total	10	100.0

Table 10: Other challenges hindering successful prosecution

that in cases involving sexual offenses against children, it is common for victims and witnesses to get compromised, thereby failing to attend court to testify. This nature of compromise was in the form of victims and/or witnesses being paid off, victims being forcefully relocated by their families, perpetrators approaching the victim's family to attempt out-of-court settlement.

Another challenge that impacts successful prosecution of OCSE cases was the lack of awareness concerning OCSE, both by the community and the police. They stated that this reason is because OCSE is an emerging area. They also stated that many cases also don't end up in court due to compromise of witnesses as described in the preceding paragraph. Others failed to make it to the stations because the community served by these stations was aware that all cases dealing with sexual offenses against children are meant to be reported to the larger stations under shoe jurisdiction the smaller stations fall. The residents in these communities present their cases directly to the larger stations.

One station also reported that about 5 defilement cases are reported weekly at their station but not all of them end up in court. Another station also reported that they usually forward ordinary defilement cases to the ODPP and of the ones forwarded there are about 20 active defilement cases from the last one year. Offenses where the victim is below 15 often result in convictions. It was also explained that officers lack capacity to successfully investigate cases that have online components thus officers that have not received training on GBV and sexual offenses generally can easily mishandle a case. It was determined that there is a need to train officers on emerging trends in commission of sexual offenses against children, as well as safety of children online.

Below is a breakdown of proposed recommendations from the officers manning gender

desks within the stations constituting the study area of the formative assessment.

Recommendations		
	Frequency	
Regulation of Apps	1	
Effective case management to expedite court hearings	1	
Station having a designated gender desk	1	
Training the officers and Sensitizing the public	10	
Establishing facilities to host rescued children	2	

Table 11: Recommendations

2.2 Directorate of criminal investigations child protection unit

The Consultant had extensive Key Informant interviews (KII) with officers from the Anti-Human Trafficking and Child Protection Unit (AHTCPU) of the Directorate of Criminal Investigations (DCI). The Unit was established in 2019 and has a department whose exclusive focus is on online offenses against children. The other department focuses on offline offenses. The online arm is composed of 6 persons, 1 of whom is a civilian analyst. The remaining 5 are police officers. Of the 5 officers, 1 was undertaking a promotional course at the Kigango Police Training Academy and was therefore not available for the study. The consultant was able to interview 3 of the 6 officers as at the time of submitting the present (second) draft.

2.2.1. Knowledge of Respondents on OCSE Cases

Various leading causes of OCSE in the DCI's jurisdiction were determined as shown in table 11. Easy access to the internet and financial gain were the most common leading causes of OCSE reported by the respondents. Internet affordability has made access both by victims and perpetrators to be

very easy. Shared connections have also made it easier and cheaper to access the internet. Access to the internet by children has several benefits, but on the flip side, it also exposes children to a risky environment particularly because perpetrators of online sexual exploitation against children have infiltrated the spaces that children are accessing online.

It emerged, in the course of the assessment, that some perpetrators also participate in acts that lead to OCSE purely for financial gain. It also emerged that perpetrators engaged in sextortion for monetary gain. It was further revealed that some perpetrators who trade in CSAM are not even pedophiles, but engage in such trading solely for financial gain. They are in it simply for business. One investigator revealed that adults and guardians on adult platforms online exposed their children to sexual exploitation upon receiving financial offers from “predators” and pedophiles who request to be “entertained” by children. The investigator disclosed that there have been instances where unscrupulous adults avail children on online platforms for such “entertainment.”

Other leading causes include use of apps with easily accessible adult channels like Telegram and apps that permit self-generated CSAM content like TikTok where the majority of children are influenced by their friends to get into. Huge knowledge gap between caregivers/parents and their children is also a reason as the adults don’t really know how to control or guide children on Internet use.

It was also determined from the interviewee’s feedback, that all DCI officers designated to investigate OCSE cases at the AHTCPU understand OCSE and its different forms. The DCI investigators reported that the common forms/manifestations of OCSE cases encountered in their investigation are child pornography, CSAM, online child sex trafficking, sextortion and trading of CSAM content, with sextortion topping the list.

Causes of OCSE	Responses	
	N	Percent
Adults grooming children	1	8.3%
Financial gain	2	16.7%
Huge knowledge gap between caregivers/parents and their children	1	8.3%
Huge/Easy access to Internet	2	16.7%
Ignorance	1	8.3%
Guardians on adult platforms	1	8.3%
Peer influence	1	8.3%
Poor regulatory framework	1	8.3%
Poverty	1	8.3%
Use of Apps with easily accessible adult channels	1	8.3%
Total	12	100.0%

Table 12: Causes of OCSE

They reported that the trading of CSAM content is mostly done through end-end encrypted apps with payments done via PayPal and/or cryptocurrency for discretion. In relation to the offense of child pornography, investigators charge perpetrators either for sharing, possession and/or generation of content, depending on the facts of the case.

The survey also sought to assess the knowledge of the DCI investigators on the relevant laws relating to OCSE prevention and responses. 3 laws were reported with each law having 2 cases out of the 9 cases reported. The laws are the Computer Misuse and Cybercrimes Act No. 5 of 2018, the Children Act No. 22 of 2022, and the Sexual Offences Act of 2006. This showed that the majority of the DCI

investigators interviewed are well conversant with laws that set out OCSE related offenses. Only one respondent stated that he was not familiar with the specific legal provisions because he is a (civilian) analyst and not a police officer. As such he was not directly involved with drafting charges or going to the field during investigations and/or arrest of perpetrators.

Relevant laws relating to OCSE	Responses	
	N	Percent
Computer Misuse and Cybercrimes Act	2	22.2%
Children's Act	2	22.2%
Sexual Offences Act	2	22.2%
N/A	3	33.3%
Total	9	100.0%

Table 13: Relevant Laws Relating to OCSE cases.

The most common charge proffered was also surveyed and it was determined that the nature of the incident is what will determine the charges since a crime may have several counts. Be that as it may, charges centered on possession, sharing and/or generating child pornography are common.

The survey narrowed down the statutes to the Sexual Offenses Act of 2006, Computer Misuse & Cybercrimes Act No. 5 of 2018, Counter Trafficking in Persons Act No. 8 of 2010 and the Children Act No. 22 of 2022 to assess the frequency with which they are charged from. It was established that all the statutes were frequently used to press charges, with the Computer Misuse & Cybercrimes Act No. 5 of 2018 topping the list. All the statutes were reported to be charged by 3 respondents for Sexual Offenses Act of 2006, and Children Act, 2 respondents for Counter Trafficking in Persons Act

and 1 person for Computer Misuse & Cybercrimes Act. This is shown in table 14.

How often do you charge from the following statutes:	Count		
	Some-times	Often	Always
Sexual Offences	0	3	0
The Children Act	0	3	0
Computer Misuse & Cybercrimes Act	0	1	2
Counter Trafficking in Persons Act	1	2	0

Table 14: Statutes Used to Charge

Based on cases handled by one of the respondents, it emerged that children are most exposed/vulnerable to being victims of online sexual exploitation in environments where there is no parental guidance. Some parents are not always there with their children due to the nature of their work, so they give their children phones to compensate for their absence. This gives the children a lot of freedom as they have no one to monitor whatever they are doing with the phones. Children nowadays are getting more tech savvy than their guardians leaving some guardians clueless of what their kids are doing on the internet.

Other reasons disclosed by the respondents as being causes of OCSE include peer influence – where children do what others are doing, as well as lack of awareness of online threats both by children and their guardians. Predators also essentially flock those platforms/Apps that children are using to easily get access to them. It was one respondent's feedback that children also protect each other (by failing to report what their peers are doing and this makes them vulnerable to being exploited. The respondent explained that children do not report themselves because they still want to continue using these apps, and so even though they might

be knowing that what they are doing is wrong, but may not necessarily know it is criminal, and so they continue engaging in it (a specific example given by the respondent was the creation and sharing of self-generated CSAM content by children).

It was also determined that it is common to have digital/online components in cases involving sexual offenses against children in this jurisdiction. Once it is established that there is an online/digital component in cases involving sexual offenses against children, both components (offline and online aspects) are investigated and perpetrators charged accordingly. The type of evidence that is usually required to successfully prosecute the perpetrators is summarized in table 15.

	Frequency	Percent
CSAM itself as EVIDENCE	1	33.3
Gadgets with the offensive materials	1	33.3
Proof/Indication of the Acts	1	33.3
Total	3	100.0

Table 15: Evidence Required for Successful Prosecution.

Online crimes take place in a digital space thus evidence is found in gadgets like computer hard-drives, mobile phones, storage clouds, flash disks and CCTV footage. For proof/indications of the act, evidence such as excerpts of chat messages, victim’s testimony, images/videos, IP addresses and financial transaction records are considered. In cases where CSAM cases are reported, it automatically becomes evidence in itself. The survey also went further to determine whether the DCI officers are aware of SOPs in place for collection of digital evidence and it was determined that they are aware that there are SOPs and that even the officers are trained on them. The SOP

used is the same as the one used by the DCI Digital Forensic Lab. They use these SOPs to guarantee a chain of custody. The AHTCPU officers have been trained on this.

All the interviewed respondents recommended that there is need for multi-agency collaboration for the successful investigation of OCSE cases and that these collaborations like collaborating with public prosecutors will bring about value additions. These value additions are;

- Investigators will be able to cover good ground in terms of knowing what evidence to collect. Prosecutors also end up being well versed in how to handle such cases.
- It will strengthen the capacity of all the actors in the justice system.
- It will increase efficiency in dealing with these cases.

The level of their collaboration with government agencies and prosecutors was assessed to prove their statements and they reported that their level of collaboration is high as shown in table 16.

	Level of collaboration	Frequency	Percent
On a scale of 1 - 5, how often do you collaborate with other government agencies in the investigation of OCSE cases?	4	1	33.3
	5	2	66.7
	Total	3	100.0
On a scale of 1 - 5, how often do you collaborate with prosecutors when investigating an OCSE case?	4	1	33.3
	5	2	66.7
	Total	3	100.0

Table 16: Level of Collaboration between DCI and Other Agencies.

Challenges affecting successful investigation and prosecution of OCSE cases were also assessed. They were divided into general and specific challenges but only one specific challenge was discovered the rest were general challenges. The specific challenge comes with perpetrators being a step ahead by destroying evidence when they suspect that the police are onto them. Mostly this happens when content related to them is pulled down. Without this evidence, it becomes hard to convict them.

15 major challenges were stated with inadequate resources topping the list. The respondents disclosed that there is no budget that is specifically allocated to the Child Protection Unit. One respondent contrasted this with the Anti-Terror Police Unit which was set up under the DCI, to deal with terrorism. The respondent indicated that the ATPU had a specific budgetary allocation to run its operations. The AHTCPU relies on the general budget disbursed to the entire DCI. The respondents also stated that they have inadequate forensic tools. The forensic lab that they have is currently being supported by an NGO. The unit is only able to extract data from mobile phones with the resources that they have, with computers and laptops being taken to the DCI headquarters should there be extraction of data needed. This takes a lot of time to get the extractions which causes a delay in the investigation and subsequent prosecution process. They also reported that the cases outnumber the investigators as there are very few investigators dealing online cases. The unit has only 6 officers dedicated to online offenses, in a unit where monthly reports were estimated to be 1300, and daily reports being not less than 30 cases (mostly coming from cyber tips).

Under training gaps, they reported that more forensic analysts need to be trained, as the unit currently has only two certified forensic analysts since DCI does not have enough funds to facilitate such training. Having insufficient resources to

facilitate these cases hinders effective investigation as investigation of cases always stops at the point where an offense is established due to inadequate resources to go deeper into investigations. Low levels of awareness in the community and among the regular police stationed at gender desks was a major challenge. It was established that there is a direct correlation between awareness levels (i.e. that OCSE is criminal) and reporting trends (both to police stations and to the DCI). One investigator stated that people do not think OCSE cases can be investigated, and even when they report, the reports are not to the police, but to online platforms such as Meta, WhatsApp and Instagram. There was therefore a need to sensitize the community and make them aware that OCSE cases are capable of being investigated, and that they can be reported not only to the various online platforms, but also to the police.

Jurisdiction issues also act as a challenge especially where the perpetrators are not in Kenya. In such cases, where the nationality of the perpetrator is established, there has to be collaboration between the two countries through mutual legal assistance in order to carry out investigations and gather evidence in support of the process. Depending on the country, mutual legal assistance requests may not always receive responses from the requested countries, or may have lengthy processes before being granted. Digital evidence was described as being time-sensitive, depending on the nature of evidence stored and more so where archived records are destroyed within a particular time-frame. Moving with speed is therefore necessary. Online perpetrators are also faceless, which makes it difficult to trace them.

Internet Service Providers not availing evidence (IP addresses) in good time also acts as a challenge as it also slows down the investigation process. IP addresses, it was revealed, are crucial because they identify the location of the device that was used, as well as the actual device used, which aspects

are crucial when it comes to linking a perpetrator of OCSE to the specific device used to commit the crime. Failure to avail IP addresses can therefore scuttle the successful prosecution of a case. Other challenges affecting successful investigation include the lack of licenses for the software used to run analysis during investigations and technology evolving faster than the law.

Responses		
Major challenges	N	Percent
Delay with Internet Service Providers	1	6.7%
Having few investigators	1	6.7%
Inadequate resources	4	26.7%
Investigation of cases stops at the point where an offense is established	1	6.7%
Jurisdiction issues	1	6.7%
Licensing for forensic software	1	6.7%
Low levels of awareness	1	6.7%
Low levels of reporting	1	6.7%
N/A	1	6.7%
Tech is advancing faster than the law	1	6.7%
Tracing Issues	1	6.7%
Training gaps	1	6.7%
Total	15	100.0%

Table 17: Major Challenges Affecting Successful Investigation

Various agencies that are instrumental in successful reporting and referral of OCSE cases were also identified. They are the Directorate of Children's Services, the Witness Protection Agency, the ODPP, Judiciary, National Intelligence Service, the AG's office for (Mutual Legal Assistance), industry stakeholders including Internet service providers, NGOs, the FBI, Interpol and the British government. The FBI and the British government are key partners of the unit and have been responsible for a lot of the training received by the investigators. The construction of the AHTCPU received a lot of support from the British Government which also acts as a source of reporting OCSE cases to the unit. Interpol also reports cases to the unit, and collaborates with officers to investigate cases.

From the survey, it was concluded that the DCI investigators interviewed have received sufficient training which effectively enables them to successfully investigate OCSE cases.

2.2.2. Attitudes Towards OCSE Cases

The community's perception towards OCSE cases was assessed through eliciting feedback from the respondents based on their interactions and experiences when serving these communities. same. It was discovered that the community does not perceive OCSE to be criminal. This is majorly contributed to by ignorance as they know that it is morally wrong but not necessarily that it is criminal. This perception contributes to how the victims handle the cases as they sometimes blame themselves after the act has happened. This hinders them from coming out to report the perpetrators and propagators of the acts. One respondent reported having counseled a child victim who blamed themselves for having fallen victim to an OCSE perpetrator that the victim had met online, and been groomed by.

In relation to station level officers, the DCI investigators reported that the police officers are not well trained to handle OCSE cases, especially

the grooming, CSAM and sexting aspects. This is because the police training at Kiganjo does not cover online offenses. Its effect is that they may not perceive OCSE as criminal because they have not been trained to identify it as a criminal conduct and to identify the offenses around it. They reported that the police officers always refer cases to the Cybercrime Unit the moment there is a digital component.

In relation to the investigators themselves, the respondents from the DCI reported prioritizing investigation of OCSE cases amidst other reported cases by ensuring that the cyber section is dedicated solely to investigating OCSE cases as their sole mandate. They respondents reported that they do not ordinarily investigate all the cases brought to them as the volumes are always large and they have insufficient manpower. In addition, not all cases are actionable, which has a significant bearing on the number of cases investigated. However, the respondents confirmed that all actionable cases are investigated. The unit receives 30-60 cyber tips daily.

The criteria considered for prioritizing actionable cases is based on the nature of the case (i.e. cases that have identifiable victims) and cases where the victim is Kenyan or is in Kenya. The investigators also prioritize these cases depending on the gravity of the offense, the state of the child, that is, whether the child is in imminent danger and the age of the child. Younger children are prioritized. What these findings translate to, is the fact that not all reported cases are investigated. It necessarily means that despite reports being received, there are cases that are left unattended for various reasons including failure of the cases to meet the priority criteria, few investigators (meaning fewer cases being investigated) and inadequate resources (including software licenses).

2.2.3. Trends in Reporting of OCSE Cases.

As stated earlier, the DCI unit usually receives over 30 reported cases daily. One respondent indicated that the unit can receive as many as 1300 cases in a single month.

There are various sources from which OCSE cases are received. The respondents indicated that the majority of the tip-offs emanate from the National Centre for Missing and Exploited Children. Other sources include cyber tips from social media; the Fichua na DCI hotline; foreign embassies (such as the United Kingdom); police stations (very rare); NGOs; parents as well as cases that trend/go viral online.

Once the OCSE cases have been received, the following steps are taken;

- i. Assessing whether there is an identifiable victim/perpetrator.
- ii. Analysis to determine the device that is most likely to have been used.
- iii. Planning an arrest around where the officers are likely to get all the gadgets.
- iv. Obtaining the necessary warrants from court.
- v. Arrest and extraction of digital evidence.
- vi. Formal charging and prosecution.

They analyze the case for actionability then gather intelligence regarding the possible perpetrator. They then initialize the process to obtain necessary warrants to search and extract information then proceed to executing the warrants. They then obtain custodial detention orders from court as data is extracted from gadgets. They then make the decision whether to charge based on evidence extracted then proceed to charging and trial.

2.2.4. Recommendations

Various recommendations were suggested and they were classified into four themes as shown in table 18 below.

Recommendations	Frequency	Percent
Awareness, allocation of resources and training of officers	1	33.3
Completion of SOP for conducting investigation of online offenses and training of officers	1	33.3
Training of officers	1	33.3
Total	3	100.0

Table 18: Recommendations.

Training of officers was the most common recommendation. Respondents recommended training this for both the police officers for them to be well equipped to handle online offenses. Training of additional analysts was also recommended in order to increase personnel capacity within their forensic team. The respondents also recommended that awareness campaigns should be done so that the community and the officers will be sensitized on the criminal aspect of OCSE. This will also counter the community's ignorance towards these cases.

They also strongly recommended allocation of resources to their unit for handling online offenses as a lot of finances are usually involved while handling these offenses but the processes are always cut short or delayed due to lack of resources and funding. They also recommended that completing the SOP that guides the conducting of investigation of online offenses will also be helpful. The SOP was being drafted by the Communications

Authority of Kenya and the respondent who made this recommendation informed the consultant that the formulation process of the SOP simply stalled despite significant strides having been made.

2.3 Public Prosecutors

The Consultant interviewed 4 prosecutors based at Kibra and Milimani Law Courts respectively. Three have served within the Children's Court at Milimani Law Courts.

2.3.1 Knowledge & Capacity to Prosecute

In this category, the assessment sought to assess the knowledge of OCSE among prosecutors by asking questions aimed at determining the nature of charges against OCSE perpetrators; the laws used to charge these perpetrators; the frequency of online components with regard to sexual offenses against children; the nature of evidence required to prosecute OCSE cases and whether the police were conversant with collecting, processing, managing and presenting this evidence.

It was the respondents' feedback that CSAM was the most common form of OCSE prosecuted in court, with charges centering around production, possession and distribution of the same. Other OCSE offenses were identified as being in the form of cyberbullying, sharing obscene content with a minor and sexual communication with a child. One respondent indicated that there were also cases of sextortion but these were not very common because in her view, there is stigma/shaming associated with reporting and so it isn't often reported and prosecuted. The respondents indicated that the most commonly used statute from which charges were pressed was the Computer Misuse and Cybercrime Act No. 5 of 2018, and the Sexual Offences Act of 2018. The prosecutors interviewed for the study were conversant with the relevant legal framework for OCSE and demonstrated a clear understanding of the various ingredients and evidence required to prove an OCSE offense. One Prosecutor out of those interviewed

is a Trainer of Trainers in Online Child Sexual Exploitation & Abuse and has trained stakeholders in the children justice sector, including judicial officers.

The respondents all confirmed that the majority of their cases are referred for prosecution from the AHTCPU. Three of the respondents confirmed that many cases involving sexual offenses against children had an online aspect. One respondent stated that text messaging was common where the parties in question were in a relationship, and also pointed out that mobile phones and other gadgets were mostly used to facilitate communication between a perpetrator and their victim. Afterward, engagement between the two was offline, and occurrence of sexual offenses such as defilement and even grooming took place offline. This view was separately echoed by another respondent who stated that many sexual offenses against children begin with online engagement and end with sexual offenses such as defilement taking place offline.

In relation to assessing knowledge of prosecutors on the type of evidence required in order to successfully prosecute an OCSE case, the respondents highlighted this to include; gadgets used to produce, store or distribute child pornography, images, videos, messages (texts and monetary transaction messages), image metadata and IP addresses. In response to whether the police were well versed in collecting, preserving, analyzing and presenting digital evidence before the court, the respondents were unanimous in the view that officers from the AHTCPU were conversant with the process, and in maintaining chain of custody. They were also unanimous in stating that the regular police were not as conversant. One prosecutor pointed out that even though regular police may have some knowledge on how to present digital evidence, there was no specialization that gave them a means through which to refine their skills. He gave an example of police officers who will be manning gender desks in one instance, and going for patrols in another, demonstrating the level of

generalization of duties. One prosecutor opined that police officers did not appreciate the immense value behind extracting digital evidence such as MPESA transaction messages traceable to an accused person, or even text messages between perpetrators and the accused.

When asked to rate the level of cooperation with other agencies, the respondents all rated collaboration with other agencies as being high. The prosecutors interviewed demonstrated sound understanding of the roles played by the different stakeholders involved in the criminal justice sector in relation to children. The respondents indicated partnering closely with AHTCPU officers from the point when investigations are ongoing, and all through the trial process. The respondents emphasized that this was important in order to ensure that evidence that is sufficient to prove the ingredients of the offense is obtained, processed, stored and presented to court without breaking the chain of custody. One prosecutor reported having weekly meetings with AHTCPU officers to go over matters under investigation. They stated that this was important for successful prosecution, with one respondent disclosing that the files received from the AHTCPU are usually 'water-tight.' The respondents reported receiving about 5 OCSE cases monthly. It also emerged that several more cases were under investigation and once investigations were completed, the matters would be presented to court for prosecution. One respondent pointed out that there was fast-tracking of cases at the children's court, which also contributed to the increase in the matters presented there for prosecution.

In relation to challenges experienced in the prosecution of cases, various challenges emerged as follows; recanting of testimonies by victims; loss of evidence occasioned by child victims not owning the phones they use to communicate – most of the evidence is therefore deleted; extraction of images and videos set to 'view once' on WhatsApp

– it is difficult to retrieve such evidence since it is automatically deleted from the device once it's viewed-; slow turn-around time by ISP companies and other online platforms such as Meta in response to requests for information and lack of technical know-how by actors in the justice chain especially with regard to digital evidence.

2.3.2 Attitudes & Towards OCSE

In relation to attitudes of police officers towards OCSE, the assessment sought to examine the attitudes of prosecutors towards OCSE cases; the attitude of law enforcement agencies; attitudes towards OCSE from the judiciary; prioritization of OCSE cases as well as trends in reporting of OCSE cases, including the number of cases received in the past one year; extent of collaboration in reporting and referral of OCSE cases. The prosecutors demonstrated a positive attitude in their approach towards securing justice for children. This was demonstrated by feedback concerning efforts taken towards multi-agency collaboration as they serve child victims and witnesses, collaboration with police officers as well as the desire to build their technical skills in the area of OCSE. One prosecutor described OCSE as an evolving issue, and like her colleagues, expressed openness to learning and further training in order to build capacity in the area.

One respondent pointed out that police officers try as much as possible to avoid investigating digital aspects in sexual offenses against children because of the tediousness involved in obtaining, extracting, analyzing and presenting digital evidence in court. He further opined that police officers think 'it is the work of DCI' to investigate online offenses. Another respondent disclosed that very few police officers will dig deeper into cases to determine whether there was an online angle that needed to be pursued. This means that many online sexual offenses against children go un-investigated if one were to consider the high number of defilement cases reported at station level, and the fact that many of these cases also feature online aspects

that are left investigated. One respondent pointed out that there are instances where police officers themselves have 'innocently' shared CSAM among themselves in an attempt to 'show people what is happening to children out there.' Even though this is done with seemingly good intentions, it is still perpetuation of an offense, and the perpetrators in this case are unaware.

In relation to community attitudes towards OCSE, it emerged that the community views OCSE more as a morality issue than a criminal issue. Further, adults place the burden on the child to know better. Children get blamed when instances of OCSE arise. The respondent illustrated this by describing a case where a child was asked whether 'they did not realize they were dealing with an adult' (perpetrator), yet it emerged that the child had been a victim of grooming by the perpetrator. It was also established that teachers in particular opt to use informal justice systems when their colleagues are found to be OCSE perpetrators. The matters are not reported to law enforcement agents because the Teachers Service Commission deals with such cases administratively. The respondent disclosed that schools are only forthcoming with information when the 'situation becomes ugly.'

Like the police, members of society have also been known to share CSAM content in an attempt to create awareness, but they seemingly draw a line when it comes to reporting. It was established that individuals will freely share content to 'create awareness' but will not report occurrence of the offenses depicted in the content shared to the police. One respondent reported that even perpetrators did not appreciate the criminality of their offenses until they were convicted. They don't perceive OCSE as wrong.

As far as the judiciary is concerned, the assessment sought to establish what its attitudes were by investigating whether the courts were more inclined to safeguarding the rights of the accused,

or whether they were victim-centered. The respondents confirmed that the welfare of the child was given top priority. Cases that involve children try to be finalized within six months. Child offenders have pro-bono lawyers appointed to defend them. The prosecutors also liaise with children services to ensure that care and protection files are opened and appropriate orders given in cases where care and protection (including witness protection) of the child is called for. One respondent revealed that where there are adjournments, the longest allowable period before the matter is brought back to court is one week.

2.4 Judicial Officers

The Consultant was able to interview seven (7) magistrates from Kibra Law Courts and the Children's Court, Milimani respectively. Makadara Law Courts had also been earmarked for the exercise, but due to challenges set out earlier in this report, it was not possible to interview judicial officers from the said station. The Consultant was also able to interview one (1) Judge of the High Court of Kenya.

Of the respondents interviewed, six (6) were female, and two (2) were male. Three (3) of the respondents interviewed had served in the judiciary for more than twenty (20) years with the Judge having served as a Children's magistrate for 14 years; four had served for more than a decade, one has been on the bench for eight (8) years and another for five (5) years

2.4.1 Knowledge & Capacity

In this category, the assessment sought to find out the level of knowledge on OCSE among judicial officers; the nature of charges against OCSE perpetrators; the laws used to charge these perpetrators; the frequency of online components with regard to sexual offenses against children; the capacity of the police to collect, process, preserve and present this evidence and the nature of training the judicial officers had received on matters OCSE. Of the respondents interviewed, three had

undergone training on OCSE, one is a trainer on OCSEA, whereas one indicated that she had been trained on cybercrime and other online crimes but 'nothing on OCSE.' The remaining two judicial officers had not undergone any training on OCSE. It was also the feedback of the majority of the respondents, that there was no specific training that properly prepared them for the nature of matters handled at the children's court. One respondent however, gave a very divergent position, stating that magistrates were inducted into presiding over the Children's Court at the Kenya Judiciary Academy. One respondent who sits as a Judge of the High Court of Kenya shared her experiences with training, stating that structured training had been carried out through the National Council for the Administration of Justice (NCAJ) wherein capacity building was done through the Court User Committees(CUCs). The curriculum used for the training was jointly developed in collaboration with a Non-Governmental Organization.

Of the seven (7) respondents interviewed, two (2) respondents indicated that there was no case on online sexual exploitation in their court. The respondent informed the consultant that defilement cases were the ones that ended up in court, and that the online angle in respect of sexual offenses against children 'does not come out.' The other respondent simply stated that they had never handled any OCSE matter at all. Of the remaining respondents. One confirmed that the cases are 'very rare' and are 'mostly handled by the DCI.' This particular respondent had only handled two (2) OCSE cases, and of those, one had been tried to completion and the perpetrator convicted. Another respondent indicated that she has only handled two (2) matters in the last one year, while two respondents indicated that they had never handled any OCSE matter before, and currently each had (1) matter before them, and the matters were at plea taking stage. The final respondent had three (3) matters before her and they all involved child pornography. The respondents interviewed stated

that they had not encountered digital components in other cases involving sexual offenses against children.

The situation was not very different at the High Court, with the relevant respondent indicating that she had not handled any appeals emanating from an OCSE matter. This respondent also informed the consultant that she had only ever handled two (2) OCSE cases during her tenure as a children's magistrate. The respondent opined that this was attributable to low levels of awareness among police officers at police stations, as well as among communities, who do not know what OCSE is, and will therefore not report incidents when they arise. The respondent was of the view that 'it took time to register in people's minds that certain activities (such as grooming) were criminal or constitute abuse,' and as a result, there were little to no reports made.

It is worth mentioning that none of the respondents interviewed had been handling criminal cases at the children's court for more than three years. Three of the respondents were posted to the Children's Court at various times in 2023, one was posted in 2021 whereas the other, though having been posted to the station eight (8) years ago, only started handling criminal matters in 2021.

In relation to the issue of capacity of police officers to collect, process, preserve and present digital evidence in court, the respondents were unanimous in their assessment that the investigators from the AHTCPU are very well trained and are conversant with the entire process. In the same vein, the respondents were also united in their assessment of the capacity of the regular police officers and had the following to say;

- Only DCI officers demonstrated having sufficient knowledge of collection, processing and presentation of digital evidence. The DCI unit is 'well trained on presenting digital evidence.
- The DCI officers are 'thorough with digital

evidence.

- The regular police are 'ill prepared and trained and fall flat when it comes to presenting digital evidence, especially when there is defense counsel.
- There are 'huge gaps' and in some cases police were not able to prove communication and MPESA transactions.
- The (regular) police are not very conversant with issues of digital evidence. Advocates too have issues in this area (to mean that advocates also have challenges as far as presentation of digital evidence is concerned).
- There is 'room for improvement' when it comes to collecting, processing and presenting digital evidence in court.
- The police are not sufficiently trained to present digital evidence in court. Some officers will even omit evidence that requires analysis from government analysts, especially when the specialization of the analyst means that there are only a few of them available.

One respondent indicated that capacity was a problem across the board with agencies in the child justice sector. The respondent opined that it was possibly one in twenty-five judicial officers that are conversant on matters of OCSE. She further highlighted that 'these matters did not start at the police stations, but even as far as in chiefs' offices where citizens report matters.' If the chiefs are not trained, the respondent was of the view that they too will not handle the case as it ought to be handled.

In response to the assessment of challenges affecting the successful trial of OCSE matters, the judicial officers offered varying responses including; heavy workload (the respondent stated that there are few judicial officers, but several matters to adjudicate over); unnecessary delays, especially in cases where the accused person is represented (the respondent indicated that advocates slow down trials with constant requests

for adjournments); complainants being threatened or compromised; delays in getting witnesses; the transboundary nature of the offense (especially where the perpetrators are in a different country, thereby complicating investigation, gathering of evidence and successful prosecution of such a matter); advancements in technology, especially where law enforcement is not as advanced as criminals perpetrating crime online.

Cases not being well investigated was also stated as being a challenge to successful hearing and determination of OCSE cases. In particular, the respondent gave the illustration of victims not being well prepared for court. The victims in this case are aware that something wrong happened to them, but they are not properly briefed on what to expect once their matter is formally within the criminal justice system. Witnesses are told to tell their story, but the technical aspects of the offense don't emerge from the victims' testimony. Children are particularly vulnerable and therefore require more preparation as witnesses that adults would.

Another unique challenge that was highlighted in relation to successful trials of OCSE cases was low capacity amongst legal practitioners. The respondent pointed out that advocates are ignorant about OCSE and as such, will only limit their focus to the ingredients. As such, the nature of submissions they make are not research-intensive or drawing from experiences in other jurisdictions. This naturally affects the level of jurisprudence that comes from courts adjudicating over OCSE matters.

Absence of necessary psycho-social support for children is also a big challenge. The respondent emphasized that there are a lot of things that happen in files before the file gets to court. Ideally, there should be care and protection interventions taken by the relevant agencies. However, in most cases, care and protection files are not opened, resulting in courts releasing perpetrators on bail, because prosecutors have not received information

on the psychosocial environment of the child, which in turn has an impact on the whole issue of bond and bail. Police officers, despite being authorized officers so designated under the Children Act, do not initiate interventions for care and protection, leaving it to the court to open these files and make relevant orders. Children end up in the same environment where they got abused, sometimes living with perpetrators who are released on bail or bond.

2.4.2 Attitudes Towards OCSE

The formative assessment looked into the attitude of the judiciary with regard to OCSE. Specifically, the assessment sought to determine whether the court was more victim-centered in its approach, or whether, being substantively a criminal court, the courts adopted a posture that favored the rights of an accused person. The respondents were unanimous in their responses to this question, from which it emerged that the Children's Court lives to its name. The respondents illustrated the various ways through which the court is victim-centered including;

- Placing the interests of the child first;
- Having a children's officer permanently designated to the Children's Court to assist with offering various services including giving the courts reports as and when they are so required;
- The courtrooms at the Children's Court do not having a raised bench, thereby reducing the intimidating nature of a typical courtroom;
- The presence of witness protection boxes for child victims and/or witnesses to testify in;
- A child-friendly interview room at the Children's Court (the Consultant was able to see the room and confirm that is indeed child-friendly, with ambience, books, toys and furniture that is a child-friendly);
- Holding hearings when schools are closed (in cases where children are victims/witnesses);
- Magistrates being trained on the procedures to follow when conducting proceedings that involve children;

- Appointing pro-bono lawyers to represent children in conflict with the law;
- Ensuring there is a balance between safeguarding the interests of an accused person (presumption of innocence and related rights) and the rights of victims, who being children, are vulnerable.

be both developed and beneficially exploited to enhance service delivery.

When questioned regarding the attitude of law enforcement officers towards OCSE, the judicial officers had various responses including the view that 'the police are awakening to the realities of OCSE.' Another respondent stated that DCI officers are 'very passionate and knowledgeable. Some even more than the court.' Another response in this regard was that the DCI officers were enthusiastic, knowledgeable and swift (they act on matters without undue requests for adjournments), while another respondent was of the view that police officers at the station perceive OCSE as complex. The same respondent also distinguished that this is not the case with the DCI, stating that the latter are very passionate. Another respondent was of the view that police officers trivialize OCSE cases because they do not appreciate its gravity. However, the respondent also stated her belief that if police officers were made aware of how serious OCSE is, they would take it as seriously as they do other forms of serious crime.

2.4.3 Recommendations

There were various recommendations proposed both by prosecutors and judicial officers. Training emerged as a strong recommendation where the need to have officers who are conversant with OCSE was common across the board. The respondents also proposed joint training with key players in the sector as well as developing well-coordinated responses towards prevention of OCSEA. Another recommendation was with regard to promoting specialization wherein judicial officers and prosecutors who are passionate about children and well versed with technical knowledge on OCSE, being retained in courts where the expertise will



3. LESSONS LEARNED

The objectives of the formative assessment were to establish the gaps at each link of the justice system chain to inform the delivery of the SCROL-R program's specialized training. The assessment aimed at measuring the knowledge, skills and attitudes of law enforcement agencies in respect of OCSE cases. Whereas data collection is still ongoing, particularly with regard to Judicial officers and Public Prosecutors, the following key lessons are evident from the findings garnered so far. Recommendations on how to remedy adverse impacts are set out in Chapter 5 of this report.



There are hardly any OCSE cases reported at gender desks within Kibra and Dagoretti sub-counties

The impact this has had, is that even though there are occurrences of sexual offenses against children, the cases go largely unreported. This is attributable to low awareness levels, nonchalance towards OCSE manifestations, and the perception that OCSE, even though wrong, is not necessarily criminal.



Police officers are not sufficiently trained on OCSE

The impact this has had is that even when cases of sexual offenses against children are reported, the police will rarely pursue their investigations to identify or otherwise determine whether there was an online component to the crime. In addition, it also means that there will be fewer cases of OCSE being prosecuted even though the perpetrators are charged with other offline sexual offenses. In particular, it emerged that station level officers are not conversant with cybercrime generally, the legal framework touching on OCSE, the various manifestations of OCSE, the nature of evidence required to successfully prosecute OCSE cases, investigation of OCSE cases particularly with regard to identifying the offense, identifying the evidence required, securing chain of custody and presenting digital evidence to court. These are major knowledge gaps that training ought to address.



Not all OCSE cyber tips are actionable

The AHTCPU receives dozens of cyber tips daily, but not all cases are actionable. Cases are prioritized where the child is in imminent danger, where the nature of the offense is very grave, where the images in question contain children and where there is the likelihood of being able to trace the victim (e.g. if the victim is Kenyan or in Kenya). Limited human and infrastructural resources also mean that investigators investigate a matter up to the point where an offense has been established, and appropriate charges can be pursued. There is therefore a limitation as to how far cases can be fully and comprehensively investigated.

The impact of this disparity between reported cases and investigated cases leading up to successful prosecutions is that perpetrations against children online continue to happen. However, the gap can be bridged if sufficient manpower and resources are allocated for such a task.





Knowledge

Knowledge still remains the weakest link in the justice chain. This is not just with the police officers, but also among the communities served by these officers. The assessment established that a vast majority of the reports made to the AHTCPU are cyber tips that come from different agencies, and rarely ever from actual victims. Communities report to online platforms, but not the police. As long as both are not informed and sensitized, then it is likely that the patterns will continue to repeat themselves, i.e. OCSE continues to be perpetrated against innocent children, police remain ill prepared and equipped to identify and prevent the vice, and no action gets taken against perpetrators.



Child-Friendly Access to Justice

From the initial point of contact between child victims and law enforcement agencies at whatever level, there is a major gap in the delivery of child-friendly services to victims of OCSE. Child-friendly services in this context relates not only to an appropriate environment within the court system, but to every other service that is rendered to the child (including psychosocial support, medical attention, pre-trial briefings and other interventions pursued as part of care and protection proceedings in respect of the child).



Recruitment

With the exception of the Child Protection Unit of the Directorate of Criminal Investigations where there is specialization, recruitment within the other agencies is not as structured. There are no specialized or specially trained police officers, public prosecutors or judicial officers dealing with children matters exclusively. There is no structured form of retention of manpower, with police officers, public prosecutors and judicial officers being subject to transfers at any point. This not only undermines capacity-building efforts but also negatively impacts service delivery.



4. CONCLUSIONS

The following are the key conclusions from the findings of the formative assessment.

1. There is a direct correlation between technical knowledge of OCSE and investigation and successful prosecution of the same. The assessment established that the knowledge gap among regular police officers when it comes to OCSE is significantly larger compared to the AHTCPU officers who are extensively trained and capacitated to investigate OCSE cases.

- a. The capacity of regular police officers to investigate OCSE cases is very low. This is premised both on lack of technical-how regarding the nature of OCSE as well as inadequate resources at station level to enable them conduct investigations. This includes technical resources such as computers and software that would be needed to analyze and process digital evidence, which is at the heart of successfully prosecuting any OCSE matter.
- b. For the AHTCPU, capacity to investigate is significantly hampered by low man-power. The entire team tasked with investigating online crimes against children is made up of 6 people, who are expected to handle the numerous cases that are reported to the unit.
- c. Very few public prosecutors have been trained on OCSE, and capacity-building with this stakeholder group should be equally prioritized. Successful investigation and prosecution is pegged on collaboration between investigators and prosecutors, which is made more effective when both parties are at par in relation to technical know-how around the subject matter.
- d. Very few judicial officers have been trained on OCSE. Judicial officers are learning on the job, and this may have a bearing on the quality of jurisprudence that is developed in the area, as well as the general adjudication of this kind of matters. Judicial officers do not receive specialized orientation before being posted to Children's Court.

2. The assessment found the attitude of regular police towards OCSE to be wanting. Most of them consider it the exclusive role of DCI to investigate online aspects of sexual offenses against children, citing that investigation is complex and lengthy. As such, regular police officers do not ordinarily probe to establish whether sexual offenses against children had digital aspects that require investigation and subsequent prosecution.

- a. The ODPP and Judiciary are victim-centered in their approach towards hearing OCSE cases. The courts have put in place structures and operations that foster child-friendly delivery of justice as outlined in section 2.4.2.
- b. The attitudes of the community towards OCSE have a direct nexus with reporting levels. Awareness levels regarding the criminality of OCSE are relatively low, resulting in low reporting levels. It was established that members of the public report OCSE occurrences to online platforms but not to the police.

3. Multi-agency collaboration is critical to the successful investigation and prosecution of OCSE cases. There is little to no cooperation between station officers and the AHTCPU or prosecutors. In a sharp contrast, there is heavy cooperation between prosecutors and investigators at the AHTCPU, which translates to higher conviction rates.

4. Factors fueling OCSE are different depending on the prevailing socio-economic variants at play in a particular area. In some areas, even children (particularly teens) are knowingly and willfully involved in activities that would be classified as OCSE, but without the understanding that these activities are criminal in nature. It cannot be over-emphasized therefore, that the first cause of action lies in developing a comprehensive and strategic awareness campaign not only amongst law enforcement agencies but also within the society.



5. RECOMMENDATIONS

Based on the preliminary findings, the following is an outline of key recommendations.

a. Targeted Training

The Police Training Academy, the Kenya Judiciary Academy and the Prosecution Training Institute need to introduce OCSE into their training curriculum in order to equip the justice sector actors to better investigate, prosecute and adjudicate OCSE cases. The training should be responsive not only with regard to preparing the recipients to successfully play their part in the justice sector, it should also be tailored to be responsive to the specific roles played by these actors.

For instance, station level officers should be trained on how to identify OCSE, the nature of evidence needed to prove an OCSE charge in court, basic investigation and securing of evidence, chain of custody of evidence, presentation of digital evidence in court, and the role played by the AHTCPU and ODPP in the successful investigation and prosecution of OCSE matters. Further training to enhance the capacity of the justice sector actors to deliver child-friendly justice would include trauma-informed care when handling child victims and witnesses; multi-sectoral case management and crisis intervention, which would cover the processes, roles and duties of various agencies involved in the delivery of justice in matters involving children; and children in conflict with the law, with an emphasis on how to effectively handle cases of children self-generating and/or sharing CSAM. It is also recommended that police officers and investigators be trained on trauma management, based on the nature of cases that they handle, which can easily take a psychological toll on them.

Prosecutors should be trained on the legislative framework for OCSE, nature and form of OCSE offenses; investigation processes; evidentiary issues including the threshold required to prove OCSE offenses in court; chain of custody with

regard to digital evidence; analysis of evidence and adducing evidence from a child victim/witness. Prosecutors would also benefit from training on victim protection and the Victim Protection Act; trauma-informed care (including how to handle child victims and child perpetrators at pre-trial and trial stage); case management and crisis intervention as well as child-friendly approaches to prosecuting OCSE cases. Prosecutors should also be trained on trauma management generally.

Judicial officers should be trained on OCSE legislation; nature and form of OCSE; investigation processes; nature and type of evidence required to prove OCSE cases in court; presentation of evidence; analysis of evidence and judgment writing around the area. Additional training should also focus on victim protection and the Victim Protection Act; child-friendly delivery of justice, including trauma-informed approaches to children in the criminal justice system (both victims and witnesses) as well as comprehensive case management that goes beyond the court process and focuses on delivering justice holistically in a child friendly manner.

Training and capacity building should also target legal practitioners who litigate in courts, in order to enhance the nature and quality of jurisprudence that proceeds from court. OCSE should also be introduced in undergraduate curricula in order to enhance the capacity of lawyers and practitioners at various levels.

b. Sensitization

There is a direct correlation between the low reported cases and levels of ignorance in society regarding OCSE. As such, there is a need for a collaborative, structured and systematic approach to sensitization of the society. Teachers, parents and children need to be sensitized on the risks of children having access to the internet. This calls for collaboration among stakeholders both within and outside law enforcement.

There are efforts that have already been put in place as far as sensitization is concerned. However, there is a need to connect knowledge and reporting. For this, it is important to not only create awareness on safety of children online as well as the different forms and manifestations of OCSE, but to also sensitize and equip communities with appropriate information on reporting procedures. This includes equipping communities on reporting channels, i.e. what to report, where to report, and who to report to.

To ensure that sensitization is effective, it is recommended that county administrative structures be involved in the process. This would entail; (i) bringing on board area chiefs who receive and mediate over different cases before they are formally adopted into the criminal justice system; (ii) incorporating police officers into community sensitization in order to demystify the role of police officers and instill confidence in the public to both report and collaborate with police officers; (iii) incorporating Court User Committees into community sensitization forums.

c. Enhanced, Informed Cooperation

Internet Service Providers, despite being in business, are key stakeholders in the fight against OCSE. Therefore, there is a need to bring them on board because their lack of cooperation with law enforcement agencies could be two-pronged – from a place of ignorance, or from a place of placing profits over the safety of children. Either way, there is a need to cultivate good working relations between law enforcement agencies (especially the AHTCPU who currently do most OCSE-related investigations) and internet service providers so that the latter do not continue to delay justice by deliberately or otherwise holding back information that is crucial to bringing offenders to book.

In addition, there is also a need to incorporate app developers and stakeholders from the technology industry in order to jointly promote the safety of

children online. This can be achieved by putting in place more stringent controls and features that promote child safety. However, this would require deliberate collaboration between law enforcement agencies, regulators and software and app developers in order to ensure that digital platforms are not exploited to the detriment of child users.

d. Regulations

It is recommended that Parliament enacts legislation that enhances prevention and punishment of OCSE. The law has been playing catch-up with online crime generally, thereby underscoring the need to enact legislation that will promote and enhance the safety of children online. Specific legislative amendments that are proposed center on; (i) enacting specific provisions providing for forfeiture of assets used in producing, storing and/or distributing CSAM material; (ii) legislation that permits law enforcement to legally monitor the online activity of known/ repeat perpetrators of OCSE; (iii) criminalization of emerging forms of online sexual offense such as live streaming of sexually explicit content and CSAM content generated through the use of Artificial Intelligence; (iv) stricter regulation on the use of ethnic/vernacular languages on online platforms since children are placed at risk of interacting with such content.

It is also recommended that the SOP on investigation of online offenses that was being developed by the Communications Authority of Kenya be finalized and put to use. Alternatively, a rapid reference guide detailing offenses and the ingredients required to prove these offenses can be developed for use by police officers and investigators.

e. Formulation of a Case Digest on OCSE Jurisprudence

It is also proposed that a Case Digest be developed in order to assist practitioners and justice sector actors appreciate strides made in developing OCSE-related jurisprudence. The digest would also be

instrumental in pointing out areas of improvement as far as developing OCSE-related jurisprudence is concerned.

f. Effective Case Management

It is recommended that the judiciary develops and strictly implements a case management system that prioritizes hearing of OCSE cases especially where there is a victim in court. There are cases where only a perpetrator is in court because there is no victim who has been traced. However, unnecessary adjournments can easily and unnecessarily delay hearings.

There is a need to actively resist and curb unnecessary adjournments in addition to adopting creative means of accelerating the hearing of OCSE cases in order to ensure justice is served in a timely manner. The Law Society of Kenya, being a major stakeholder in the justice sector also needs to sensitize its members against unnecessary adjournments and scuttling of court processes.

g. Targeted Recruitment & Retention of Skilled Officers

Police officers, public prosecutors and judicial officers should be recruited in line with their technical skills, competencies and willingness to serve in positions where their primary beneficiaries are children. Magistrates and prosecutors should be specially gazetted in order to ensure that they are retained within workstations or with duties related exclusively with dispensing justice to children. Targeted recruitment and retention of officers would also address the challenges of understaffing.

h. Advocacy

The findings from the formative assessment and validation exercise demonstrate clearly that there are key areas where targeted advocacy can be rolled out. These are; (i) budgetary allocations to the Child Protection Unit in order to enhance law enforcement and investigation; (ii) incorporation of OCSE training into the relevant training institutions

(police training academy, Prosecution training Institute and the Kenya Judiciary Academy); (iii) operationalizing the Victim Protection Fund; and (iv) onboarding tech companies into the online safety space.

The background of the page is a repeating pattern of stylized flowers. Each flower is composed of five rounded, teardrop-shaped petals in a light orange color, arranged in a circular pattern around a central point. The flowers are set against a solid brown background. The text "6. ANNEXES" is centered horizontally and vertically on the page, overlaid on one of the flowers.

6. ANNEXES

FORMATIVE ASSESSMENT INTERVIEW GUIDE

A. GENDER DESK OFFICERS

Respondent Details

1. Name
2. Gender [Male/Female]
3. Age [25-35] [35-45] [45-55] [55-65]
4. Years in service

Knowledge and Capacity to Investigate

1. What are the leading causes/enablers of OCSE in your area of jurisdiction?
2. Do you think that all officers at the gender desk are well versed with the different forms of OCSE?
3. What are the most common charges proffered against OCSE perpetrators?
4. What are the relevant laws pertaining to OCSE prevention and response?
5. How often do you charge from the following statutes? [Scale Provided]
 - Sexual Offences Act
 - Computer Misuse & Cybercrimes Act
 - Counter Trafficking in Persons Act
 - The Children Act
6. Is it ordinary practice to establish whether there is a digital/online aspect of sexual offenses against children reported at the station?
7. What SOPs do you follow when collecting digital evidence in OCSE cases?
8. What kind of evidence would you collect/look out for when handling an OCSE case?
9. How do you guarantee chain of custody for digital evidence?
10. On a scale of 1-5 [1 being never and 5 being very often] how often do you collaborate with the AHTCPU and/or Cyber Crimes Unit of the DCI to investigate OCSE cases?
11. How often do you collaborate with prosecutors when investigating an OCSE case?
12. Are police officers adequately trained at Kigali to effectively investigate OCSE cases? If not, do you think additional training is needed?

Attitudes Towards OCSE

1. Is the gender desk your first posting as a police officer?
2. How does the community perceive OCSE cases in the following contexts?
 - Do they see it as a problem?
 - Do they see it as a crime?
 - Generally, who do they blame for OCSE?
3. How do the police perceive or treat the following cases of children being sexually exploited online?
 - Grooming
 - CSAM
 - Sexting
4. How do you prioritize these cases amidst other cases reported at the station?
5. Do you formally report/document in the Occurrence Book, all cases of OCSE brought/reported to the station?

6. What challenges do you face in formal reporting and response to OCSE cases as a police station?
7. If you were in leadership, what changes would you effect regarding operations at the gender desk?
8. What has been the best part for you about serving at the gender desk?

Trends in Reporting & Referral

1. What are the most common forms of OCSE cases reported at the station?
2. What is the estimated number of OCSE cases reported at the station monthly?
 - How many OCSE cases have been reported at the station in the last one year?
3. From whom do these reports come from? (victims, parents/caregivers, teachers, children officers etc.)
4. How many of the OCSE cases are forwarded to the DCI Child Protection Unit?
 - How many of these cases have been forwarded to the DCI Child Protection Unit in the past one year?
5. How many OCSE cases are forward to the DCI Cybercrime Unit?
 - How many of these cases have been forwarded to the DCI Cybercrime Unit in the past one year?
6. What steps are taken once an OCSE case has been received?
7. How are OCSE victims interviewed once a case is reported? [This question is assessing the extent of knowledge and practice in delivering trauma- informed care towards the victim, including referrals to children officers for psychosocial support for the victims]
8. Do children easily access cyber cafes in your area of jurisdiction?
9. Have there been complaints of children accessing inappropriate/sexual content through cyber cafes in your area of jurisdiction?
 - If so, what action has been taken?

Prosecution & Adjudication of OCSE Cases

1. How many cases of OCSE have you forwarded to the ODPP for prosecution?
2. How many cases are presently in court?
3. How many cases have been successfully prosecuted to the point of securing conviction?
4. From your experience, what challenges hinder successful prosecution of OCSE cases?
5. From your experience, what challenges hinder successful prosecution of OCSE cases?
 - Budgetary allocation (to gender desks/police stations)
 - Infrastructure (environment and equipment needed to execute mandate)
 - Knowledge on OCSE
 - Knowledge of legal framework
 - Other

B. INVESTIGATORS (DIRECTORATE OF CRIMINAL INVESTIGATIONS)

Respondent Details

1. Name
2. Gender
3. Age [25-35] [35-45] [45-55] [55-65]
4. How many years have you spent in the service?

Knowledge and Capacity to Investigate

1. What are the leading causes/enablers of OCSE in your area of jurisdiction?
2. Do you think all DCI officers understand OCSE and its different forms?
3. What are the most common forms/manifestations of OCSE cases encountered in your investigation?
4. What are the relevant laws relating to OCSE prevention and responses?
5. What are the most common charges proffered against OCSE perpetrators?
6. How often do you charge from the following statutes?
 - Sexual Offences Act
 - Computer Misuse & Cybercrimes Act
 - Counter Trafficking in Persons Act
 - The Children Act
7. Is it common to have digital/online components in cases involving sexual offenses against children?
8. Is it common to have digital/online components in cases involving sexual offenses against children?
9. What steps are taken once it is established that there is an online/digital component in cases involving sexual offenses against children?
10. What kind of evidence is required for the successful prosecution of an OCSE case?
11. What SOPs do you follow when collecting digital evidence in OCSE cases?
12. How do you guarantee chain of custody for digital evidence?
13. In your experience, is there a need for multi-agency collaboration for the successful investigation of OCSE cases?
14. On a scale of 1-5, how often do you collaborate with other government agencies in the investigation of OCSE cases?
15. On a scale of 1-5, how often do you collaborate with prosecutors when investigating an OCSE case?
16. In your assessment, is there any significant value-addition in collaborating with public prosecutors to investigate OCSE cases?
17. What specific challenges have you faced as DCI officers in effective investigation of OCSE cases?
18. Is the training you have received sufficient to effectively enable you to successfully investigate an OCSE case?

Attitudes Towards OCSE

1. How does the community perceive OCSE cases in the following contexts?
 - Do they see it as a problem?
 - Do they see it as a crime?
 - Generally, who do they blame for OCSE?
2. How do investigators perceive or treat the following cases of children being sexually exploited online?
 - Grooming
 - CSAM
 - Sexting
3. How do you prioritize these cases amidst other cases reported to DCI for investigation?
4. Are all cases forwarded to DCI investigated?
5. What are the leading causes of OCSE in your area of jurisdiction?
6. What are the most common forms/manifestations of OCSE cases encountered in your investigations?
7. In what contexts are children most exposed/vulnerable to being victims of online sexual exploitation?

Trends in Reporting & Referral

1. What is the estimated number of OCSE cases reported at the DCI unit monthly?
 - How many have been reported in the last one year?
2. How many of the reported cases have been investigated?
3. From whom do these reports come from? (victims, parents/caregivers, teachers, children officers etc.)
4. What steps are taken once an OCSE case has been received?
5. In your assessment, is there a need for multi-agency collaboration in the reporting and referral of OCSE cases? If so, which agencies are instrumental in the successful reporting and referral of OCSE cases?

Recommendations

What do you recommend in terms of law reform or capacity building that would bring about improvement in how OCSE cases are handled from reporting to prosecution and trial?

C. PROSECUTORS

Respondent Details

1. Name
2. Gender
3. Age [25-35] [35-45] [4-55] [55-65]
4. Years spent as a public prosecutor

Knowledge and Capacity to Prosecute

1. What are the most common charges proffered against OCSE perpetrators?
2. What are the most common forms/manifestations of OCSE cases prosecuted?
3. How often do you charge from the following statutes?
 - Sexual Offences Act
 - Computer Misuse & Cybercrimes Act
 - Counter Trafficking in Persons Act
 - The Children Act
4. Is it common to have digital/online components in cases involving sexual offenses against children?
5. What steps are taken once it is established that there is an online/digital component in cases involving sexual offenses against children?
6. What kind of evidence is required for the successful prosecution of an OCSE case?
7. In your assessment, do police have sufficient know-how on collection, processing and management of digital evidence?
8. In your assessment, are the police sufficiently trained on how to present digital evidence in court?
9. In your experience, is there a need for multi-agency collaboration for the successful investigation of OCSE cases?
10. On a scale of 1-5 how often do you collaborate with other government agencies in the investigation and prosecution of OCSE cases?
11. On a scale of 1-5 how often do you collaborate with investigators through prosecution-guided investigations on OCSE cases?
12. In your assessment, is there any significant value-addition in prosecution-guided investigations?
13. What specific challenges have you faced as a prosecutor when prosecuting OCSE cases?

Attitudes Towards OCSE

1. What are the attitudes from law enforcement agencies towards OCSE cases?
2. What are the attitudes towards OCSE cases from the judiciary?
 - Is the judiciary primarily victim-centered when adjudicating cases or pro-accused?
3. What are the most common forms/manifestations of OCSE cases prosecuted?
4. From your experience, what do you think the community perceives OCSE cases in the following contexts?
 - Do they see it as a problem?
 - Do they see it as a crime? Generally, who do they blame for OCSE?
5. How do you perceive/treat the following cases of children being sexually exploited online?
 - Grooming
 - CSAM
 - Sexting

6. How do you prioritize OCSE cases amidst other cases reported for prosecution?
7. Are all cases that are presented for prosecution prosecuted?
8. What are the main gaps with OCSE cases that hamper prosecution of cases?

Trends in Reporting & Referral

1. What is the estimated number of OCSE cases received at your station monthly?
 - How many of these cases have been received over the past 12 months?
2. From whom do these reports come from? (police stations or DCI?)
3. What steps are taken once an OCSE case has been received?
4. In your assessment, is there a need for multi-agency collaboration in the reporting and referral of OCSE cases? If so, which agencies are instrumental in the successful reporting and referral of OCSE cases?

Recommendations

What do you recommend in terms of law reform or capacity building that would bring about improvement in how OCSE cases are handled from reporting to prosecution and trial?

D. JUDICIAL OFFICERS

Respondent Details

1. What is your name?
2. Gender
3. Age [25-35] [35-45] [45-55] [55-65]
4. For how long have you served as a magistrate?

Knowledge and Capacity to Adjudicate

1. What are the most common forms/manifestations of OCSE cases prosecuted within your station?
2. What are the most common charges proffered against OCSE perpetrators?
3. Is it common to have digital/online components in cases involving sexual offenses against children?
4. In your assessment, do police have sufficient know-how on collection, processing and management of digital evidence?
5. In your assessment, are the police sufficiently trained on how to present digital evidence in court?
6. In your assessment, is there any significant value-addition in prosecution-guided investigations?
7. What are the major challenges affecting successful hearing and determination of OCSE cases?
8. What are the major challenges you have faced as a judicial officer in adjudicating OCSE cases?
9. In your view, is additional training required for judicial officers to successfully adjudicate OCSE cases?

Attitudes Towards OCSE

1. What are the attitudes from law enforcement agencies towards OCSE cases?
2. What are the attitudes towards OCSE cases from the judiciary?
 - Is the judiciary primarily victim-centered when adjudicating cases or pro-accused?
3. From your interaction with OCSE cases, how do you think the community perceives OCSE cases in the following contexts:
 - Do they see it as a problem?
 - Do they see it as a crime?
 - Generally, who do they blame for OCSE?
4. What are your perceptions/views on the following cases of children being sexually exploited online?
 - Grooming
 - CSAM
 - Sexting
5. How do you prioritize OCSE cases amidst other cases reported for hearing and determination?
6. Are all cases presented before the court heard and determined conclusively?
7. What are the main gaps hindering the successful hearing and determination of OCSE cases?

Trends in Reporting & Referral

1. What is the estimated number of OCSE cases presented for hearing within your station monthly?
 - How many OCSE cases have been presented/reported to your station in the last 12 months?
 - How many have you heard and determined to complete?
 - What is the average time taken for an OCSE case to be heard from plea to judgment/conviction?
2. Does the judiciary refer cases to AHTCPU for investigation? If so, how often and at what stage?

Recommendations

What do you recommend in terms of law reform or capacity building that would bring about improvement in how OCSE cases are handled from reporting to prosecution and trial?