

# Internet Governance Forum (IGF) 2014

## Best Practices Forum: Child Protection

Centre for Justice and Crime Prevention (South Africa)

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### **About the Centre for Justice and Crime Prevention (CJCP)**

The CJCP is a South African research NGO working in the field of violence prevention and safety, in South Africa and the region, with a particular focus on children and youth. Since its establishment in 2005, the CJCP has worked with a number of National and Provincial government departments in South Africa, including the Departments of Basic Education, Communications and Social Development, as well as the Presidency, to formulate evidence-based policy on issues of child safety, both online and offline, and to develop appropriate implementation frameworks and mechanisms for national and provincial policies and strategies. Specific examples include the development of a National Schools Safety Framework in 2014, and the development of a Children's Empowerment and ICT strategy with the Department of Communications. The organization designs and delivers intervention and training material for both government and civil society, and regularly presents research on children and online safety at national and international fora.

#### **1. Definition of the issue**

The CJCP views child online protection (COP) as just one component of the broader child safety and protection agenda. The CJCP envisages online protection as primarily equipping children and young people with the skills, efficacy and agency to navigate risks they may encounter online, while at the same time mitigating adverse threats and inappropriate behavior, content and any exploitation that may occur online, or transverse the online-offline environment, while also ensuring that an appropriate response system is in place to deal with such cases.

Child online protection is couched within broader offline child protection, safety and well-being strategies, and aims to address any behavior that may be harmful physically, emotionally, and/or psychologically to children, or impinge on their rights as enshrined under the United Nations Convention on the Rights of the Child (UNCRC) or the African Charter on the Rights and Welfare of the Child (both of which South Africa is signatory to).

#### **2. Regional specificities observed (e.g. Internet industry development)**

Despite the rapid take-up and diffusion of ICTs in South Africa, there has been little in the way of formalized responses to child online protection by either the industry or State. In South Africa, initial concern regarding online safety was limited to the occurrence and effects of

“cyber-bullying”, which from 2008 provided a catch-all phrase for most forms of harms experienced online. Public attention was informed more by high-profile international cases reported in the media than incidents in South Africa. At the same time, the emergence of text-based messaging services such as Mxit made online chat services more accessible, and further escalated concerns around cyber-bullying. The rapid take-up of services such as these led to many of the service providers and industry players to provide moderated forums, reporting mechanisms and other safety resources. Besides the Children and ICT strategy under development by the Department of Communication discussed below, there are however no coordinated inter-departmental or integrated public-private partnerships within the social cluster that are active in advancing the online child protection agenda at a national level. South Africa does however support several international initiatives, including the ITU’s Child Online Protection Initiative.

In 2012, the case of the so-called “Facebook murderer” – a young man who befriended girls online through Facebook, arranged to meet them, where he then raped and murdered them - grabbed headlines and increased fears of physical harm befalling individuals through online contact. This has fed into a growing concern specifically around offline harm resulting from online experiences, specifically sexual grooming and exploitation.

Unlike many countries elsewhere, experiences of online harms, and risks, appear less common in South Africa than offline harms, in part no doubt a function of the generally high levels of violence that characterize parts of South Africa. Findings from a recent national school-based study shows that cyber-bullying and other forms of online threats are less common than offline bullying, although as in many countries, there is an increasingly tenuous distinction between online and offline experiences. Despite arguments in some quarters that online safety deserves less attention, or is relatively unimportant in relation to other developmental and violence prevention initiatives, there is a growing recognition that child online protection needs to be addressed as part of a much broader children’s rights agenda, as well as the wider child protection agenda.

### **3. Existing policy measures and private-sector initiatives, impediments**

Child online protection in South Africa is addressed to varying degree under policies falling under the Department of Communications, the Films and Publications Board, and the National Department of Women, Children and People with Disabilities, and to a lesser degree the Department of Basic Education (DBE).

In 2008 the Department of Communications started consultation on, and formulation of, a Children and ICT strategy. This has evolved through various versions, and was put on hold in 2013, to be resurrected in June 2014. This covers all aspects of COP, and identifies specific roles for partners in terms of prevention, and response, within government, the private sector and civil society. This is the first policy initiative that lays out the importance of inter-

departmental, and government-private and sector-civil society partnerships in preventing and responding to COP challenges. The private sector, including Google, civil society, researchers and young people are participating in shaping the final document, which could *potentially* offer a useful framework for collaboration and a coordinated COP agenda in South Africa.

An Information Communication Technology Policy Green Paper is currently being developed, and will incorporate some measures of COP (although in its current form it is limited to complaints to the Broadcasting Complaints Commission of South Africa and the Independent Complaints Commission Codes. These both refer specifically to broadcast media rather than the Internet and online environment, and relate to reporting and complaints regarding content).

Cyberbullying specifically, and broader COP is being incorporated into the National School Safety Framework, a national policy that will establish minimum norms and standards, and an appropriate response system, for all schools in South Africa. This is in addition to targeted information and briefing material developed by the DBE, and an ICT in Schools policy document.

Several private sector and civil society initiatives have been established to deal with COP. These tend to be led by the individual companies or NGOs, and rather fragmented in both design and implementation. There are few examples of a collected or integrated approach. Few initiatives include offerings beyond the provision of online educational and discussion material, information or implementation of privacy restrictions or control, and reporting systems, all of which tend to be reactive rather than proactive. Notwithstanding this, there has been substantial progress by several of the major corporates to increase safety through filtering and blocking of inappropriate material accessed through search engines, or posted by the public. For example, Google in South Africa launched the Family Safety Centre for South Africa, which offers online advice for both children and adults.

There is increasing recognition within both government and civil society, as well as the private sector, of the need for, and importance of, reliable and context specific research to inform COP initiatives in South Africa. In 2013 the CJCP, in partnership with UNICEF, completed a national study to determine how young people themselves navigate safety online. This provides some important opportunities to develop initiatives that focus on building children's resilience to online risk, and equipping them to deal with content or activity they may encounter online. This, together with several other research studies, is demonstrably informing the approach of the Department of Communications and Basic Education in the development of policies.

NGO's such as Childline have developed online and mobile counselling services in response to cyberbullying, and together with other NGOs such as the Parents Corner, and Media Monitoring Africa, have developed various educational and awareness materials. Many of these, however, remain focused primarily on response, rather than protection.

In South Africa, as in many countries in the region, the Internet is increasingly accessed through mobile phones rather than laptops or personal computers. However, most of the initiatives are still primarily geared towards computer rather than mobile-accessed services.

Finally, there has been very limited translation of policies, interventions and services into the eleven languages of South Africa, with most still offered only in English.

#### **4. What has worked: identifying common effective practices**

There are several small-scale examples of targeted interventions that have built on mixed-methods research. These include partnerships between Childline and MXit, offering both material and counselling services through a mobile platform. While there have as yet been no local, rigorous evaluations of interventions and policies addressing COP, the incorporation of research as the basis for design provides an important opportunity for evidence-based approaches in South Africa. While there remains pressure from some quarters to respond intuitively by promoting greater regulation, there is growing consensus that this will achieve little, while also limiting the opportunities that exist for children online. Similarly, there is growing recognition of the need to draw on children's voices, and experiences, through research and inclusion in programme design, in order to improve the efficacy and impact at both a policy and programme level. There is also evidence of the positive impact of school-based partnerships with civil society to both capitalize on children's agency to build resilience, and to respond when needed.

#### **5. Unintended consequences of policy interventions, good and bad**

The intractable integration of social media and ICTs into children's lives has led to actions and responses that act directly against the well-being of children. These include recent sexual offences and child-related legislation intended to protect children, which have not adequately considered the use of ICTs. For example, under the Sexual Offences Act (As Amended 2007), there have been several instances of consensual "sexting" between both 15 and 16 year olds, which have led to criminal charges and convictions, and in one instance, registration of a 15 year old girl on the National Sexual Offences Register. Other examples include adolescents being charged with child pornography for possessing photos sent by school peers.

This has led to legal challenges by child protection and child rights advocates aimed at ensuring that legislation better responds to online issues of protection, and takes into account "normal" and age-appropriate adolescent development, within the context of digital and social media. These cases have also resulted in greater engagement amongst stakeholders on how best to adapt policies, as well as expand understanding of these issues and how children experience them. They have also drawn attention to some (but not all) of the dangers of well-meaning but

not necessarily child-centered approaches. They have also resulted in discussions around the benefits of building children's resilience in relation to their line online activities.

## **6. Unresolved issues where further multi-stakeholder cooperation is needed**

As with many inter-agency public/private partnerships, approaches already or are increasingly recognizing the need for common approaches, and shared accountability for various aspects of child protection, but the challenge of how to operationalize this in a meaningful way has yet to be addressed. Some of the more apparently successful partnerships have been largely bi-lateral and small scale, and there remains much work to do on how to both implement progressive policies, and scale-up small partnerships and interventions that show promise. Further, there remain several research gaps that need to be filled in order to ensure that both policies and programming are grounded in a sound theoretical and evidence-based base. There is a great need for sound high-quality and rigorous evaluations of existing programmes.

## **7. Insights gained as a result of the experience**

Both at a policy and at a programmatic level, where inter-agency or partnership approaches are adopted, there need to be practical implementation plans with clear lines of accountability to ensure that processes are aligned and appropriately implemented. The role of children in speaking to policies that directly affect them cannot be under-estimated, and should be integrated at as many levels of consultation as possible; their sense of agency, knowledge and the value of their experiences, is essential in ensuring appropriate online protection interventions. Finally, the roles of different agencies, including the police in responding to reports and complaints, needs to be clarified, and capacity built to appropriately deal with reports (ideally drawing on expertise that exists within the private sector, through companies such as Google, Facebook, and civil society and academics).

## **8. Proposed steps for further multi-stakeholder dialogue**

- Within South Africa, to define and implement a clear research agenda that furthers the "best interest of the child" principle that underpins the (offline) child protection system within the context of social media and the digital arena, and that can generate a body of knowledge of what works and what does not work in Child Online Protection within the South Africa (and potentially, regional) context.
- To ensure a partnership approach to ensuring that this growing body of work consistently feeds in to policy, and that consistent messaging around building children's capacity, agency and responsible online behavior and response, is achieved and

integrated into broader child protection, safety, and violence prevention conversations and programmes.