

# PROTECTING CHILDREN IN SOUTH AFRICA FROM ONLINE SEXUAL EXPLOITATION AND ABUSE: THE WAY FORWARD

Children in South Africa are facing harm from online sexual exploitation and abuse; A national household survey showed that in the past year, between 7-9% of internet-using children aged 9-17 were subjected to at least one of following clear examples of online sexual exploitation and abuse: being blackmailed to engage in sexual activities, having their sexual images shared without their permission, or being coerced to engage in sexual activities through promises of money or gifts. Legislation in South Africa that addresses online child sexual exploitation and abuse (OCSEA) is comprehensive, but implementation of the laws is hampered by a number of barriers. Public awareness of the risks facing children online is low, and prevention efforts require improvements. *Disrupting Harm* lays out several steps needed to disrupt the harm of online sexual exploitation and abuse to children in South Africa.

## Recommended actions

Combating OCSEA and providing better support to victims requires comprehensive and sustained actions from the policy makers, law enforcement, justice and social support professionals, the tech industry, and the entire community. *Disrupting Harm in South Africa* lays out an actionable blueprint to protect children, through a series of evidence-based recommendations spanning legislation, law enforcement, justice processes, social services, and public awareness.

### Act

- Establish or appoint a government body within the existing child protection structure to lead the coordination of OCSEA responses and prevention approaches. This will help to avoid duplication of efforts across agencies by streamlining mandates.
- Increase the human resources available at the law enforcement units responsible for investigating OCSEA, specifically the Serial and Electronic Crimes Investigation unit. Interviews conducted for *Disrupting Harm in South Africa* point to police units being inadequately staffed.
- Strengthen the enforcement and implementation of laws related to OCSEA, which although comprehensive, face significant barriers in implementation due to a lack of funding, limited training, and a lack of awareness among practitioners.
- Review, assess and amend legislation to explicitly criminalise live-streaming of child sexual abuse. Adopt new legal provisions that criminalise sexual harassment and sexual extortion that are committed in the online environment.
- Revise existing legislation to replace the term “child pornography” with the more appropriate “child sexual abuse material” (CSAM), as recommended by the South Africa Law Reform Commission.

- Consult with domestic internet service providers, law enforcement, privacy experts, and technology companies to develop realistic, mandatory regulations for: filtering, removing and blocking CSAM; addressing grooming and live-streaming of sexual abuse; and complying with legally approved requests for user information in OCSEA cases. This could be done by amending the Electronic Communications and Transaction Act<sup>1</sup> and the Film and Publications Act<sup>2</sup> by making it a formal duty to take down OCSEA content specifically. Once developed, evaluate these regulations periodically, monitor for timely compliance, and implement consequences for failure to comply.

### Educate

- Ensure that regular skill-based training is mandatory and where possible, integrated into relevant child online protection programmes and systems. These training events should be consistently evaluated and updated to reflect the most recent developments in digital technology and patterns of offending. These materials should be tailored to participants' level of experience and knowledge on OCSEA.
- Continue to engage the general public, including children, caregivers and teachers, in education and awareness-raising programmes and campaigns to increase understanding of violence against children – including OCSEA – and where to seek help and support when needed.
- Ensure that all awareness and education programmes and campaigns are evidence-based. They should be developed through safe, ethical and engaging consultations with children and other stakeholders to ensure that they address their lived experiences of online risks and also include the techniques they use to keep themselves or their children safe. Rigorously evaluate interventions and regularly monitor and modify the programmes and campaigns to ensure that they are effective in keeping children safe and that they do not inadvertently lead to harm.

### Invest

- Advocate for OCSEA to be on the national agenda, and create appropriate implementation and budget distribution plans. The need for resources was identified at both the national and provincial levels, and at the municipal and district levels.
- Ensure that social services (including medical, legal, psychological and reintegration) are available to child victims across the country, including in rural areas of South Africa. These services should be provided in several languages.
- Fund research efforts and evidence generation on OCSEA in South Africa on a continuous basis. It is vital that these efforts go beyond monitoring reported incidents of OCSEA, which are likely to represent only the tip of the iceberg, and that data is gathered regularly from children themselves. Government representatives interviewed for *Disrupting Harm* also called for tracking the impact and effectiveness of prevention efforts.
- Invest in digital literacy programmes for children and caregivers to ensure that both are not only *aware* of possible online risks but that they know *what to do* if those risks result in harm.
- Provide resources to regularly train child helpline staff so that they can provide good quality information and advice to children. Helplines can be promoted as a source of information and support for children subjected to OCSEA as well as for peers, caregivers or others about how they can support young people who disclose abuse.
- Dedicate resources to police, child helplines, and CSAM hotlines to improve their record keeping on the OCSEA reports they receive and/or investigate. Increasing the capacity to collect and analyse such data will provide a better understanding of children's experiences of OCSEA, including how it changes over time, which could help in developing prevention programmes and necessary policies and legislative amendments.

1. Republic of South Africa. (2002). [Electronic and Communications and Transactions Act No. 25 of 2002](#).

2. Republic of South Africa. (2019). [The Film and Publication Act No. 65 of 1996 \(as amended by Amendment Act No. 11 of 2019\)](#). Article 27A.

## Key insights

Through various research activities, *Disrupting Harm in South Africa* has identified five key insights:

1. In the past year, between 7%–9% of internet-using children in South Africa had been subjected to any of these clear examples of online child sexual exploitation and abuse: being blackmailed to engage in sexual activities, having their sexual images shared without permission, or being coerced to engage in sexual activities through promises of money or gifts.
2. Children who were subjected to OCSEA on social media mainly reported being targeted through the major social media providers, most commonly via Facebook/Facebook Messenger and WhatsApp.
3. Many of the children who were subjected to OCSEA did not tell anyone what had happened. Those who disclosed their abuse tended to turn to people they knew, particularly their friends. Children almost never reported their case to helplines or the police.
4. Promising initiatives driven by both government and civil society are underway in South Africa. However, challenges exist, including varying levels of capacity among responders, limited budget and investigation equipment, and a high staff turnover.
5. While OCSEA-related legislation, policies and standards exist in South Africa, further efforts are needed to ensure they are implemented.

The full report and complete list of recommendations can be found at: [www.end-violence.org/disrupting-harm](http://www.end-violence.org/disrupting-harm)

## About Disrupting Harm

*Disrupting Harm in South Africa* is part of an unprecedented, multi-country research project on OCSEA, focusing on 13 countries in Eastern and Southern Africa and Southeast Asia. This large-scale research project draws on the expertise of ECPAT, INTERPOL, UNICEF Office of Research – Innocenti, and their global networks of partners. *Disrupting Harm* is supported by the Fund to End Violence Against Children, through its Safe Online initiative.

In South Africa, research took place from early 2020 to early 2021, including interviews with high-level representatives from the Government of South Africa and a range of public bodies and organisations

active in the country. Research activities included a comprehensive analysis of the legislation, policy and systems addressing OCSEA in South Africa, as well as interviews with justice actors, a survey with frontline service providers, and a nationally representative household survey with internet-using children and their caregivers.

Data from these multiple sources were compared and triangulated to produce the *Disrupting Harm in South Africa* national report. Recommendations from the data were presented and discussed at a national consultation event in Johannesburg in June 2022.