

Children's Empowerment & Information Communication Technology (ICT) Strategy

(FINAL DRAFT)

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Foreword by the Minister

It is an immense honour for me to introduce this, strategy the first of its kind in South Africa, a National Strategy addressing the needs of the most vulnerable group in our society our children in the Information Communication Technology (ICT) sector. This strategy is a culmination of extensive consultation with stakeholders from across the country including Children's Rights organisations, ICT focussed Children's Organisations of which I need to note there too few in the country, the State Owned Enterprises in the ICT sector and other relevant national government departments. The Department through the Gender, Disability, Youth and Children's Directorate embarked on a process towards the development of the Children and ICT Strategy in 2007 through conducting an Environmental Scan of what the situation is in regard to children in the ICT sector this scan was concluded in 2010 and it laid the foundation for the process towards development of the National Children and ICT Strategy therefore between 2010 and 2011 the Department consulted with another of organisations including but, not limited to the following:

- Film and Publication Board
- SABC
- Children's Right Centre
- UNICEF
- Centre for Justice and Crime Prevention (CJCP)
- Soul City
- NEMISA
- UNISA
- ICASA
- Department of Justice, Social Development, DWCPD and Basic Education
- Child line South Africa

The aim of these consultations were to gather input and comments on the draft Children and ICT strategy that will act as a guiding document for the department on the conceptualization, implementation and monitoring of all Children's Programs to be introduced in the ICT sector by the branches of the department, our own State Owned Enterprises and the ICT sector in general. As a Department we are committed to the protection of children specifically in cyberspace and when they interact online. Therefore the strategy has a strong focus on Child Online Safety and combating all forms of Cyber Bullying or Violence against Children through the use of ICTs. In this regard the department as the policy maker in the ICT sector strongly has recently adopted the Cyber Security Policy and supports the Child Online Protection (COP) initiative spearheaded by the International Telecommunications Union (ITU) This strategy will be implemented in support of the Cyber Security Policy and the COP initiative.

The strategy intends to assist all stakeholders to have a clear understanding of what the areas of focus should be when addressing the needs of children in the ICT sector and it also provides guiding principles to follow when implementing programs aimed at empowering and protecting children in the ICT sector.

Children constitute a huge proportion of our population and with the advent of new technology they are extremely susceptible to being exposed to harmful content on television, the internet and on their mobile phones hence the strategy also has a strong emphasis on support to

parents on how to raise digital citizens in this fast moving technological era and as result one of the key focus areas is digital awareness.

One of the key challenges in the country is the alignment of policy and regulation in terms of the varies pieces of legislation in the ICT sector and its impact on children the strategy therefore also focuses on the impact of policy and regulation and in this regard a strong partnership with the regulator, ICASA and the Film and Publication Board is required and suggested in the strategy.

The Department will clearly not be able to implement this important strategy on its own hence the strategy also outlines the roles and responsibilities of the different stakeholders and I would like to call upon all State Owned Enterprises and the regulator as well as the broader ICT sector to pledge their support for the implementation of the Children and ICT Strategy. As a government we have committed to ensuring the empowerment and protection of children and hence the Constitution enshrines the rights of children and the recently promulgated Children' Act further obligates all government departments to commit to service delivery to children and as the custodian of ICT Policy in this country my Department is one of the first to express such committed through a dedicated strategy to address the needs of children in the ICT sector and to ensure that they are protected and empowered in a child friendly ICT environment. This strategy is also our expression of intent in regard to the implementation of the United Nations Convention on the Rights of Child as well as the National Action Plan for Children coordinated by the Department for Women, Children and People with Disabilities

I would like to take this opportunity to thank all the stakeholders in particular the children that has so diligently contributed to the shaping and constructing of this strategy and I now would like to appeal to all organisations, relevant government departments and parents to support the implementation of the strategy and to promote the strategy in all platforms of engagement related to the protection and empowerment of children.

As the Department of Telecommunications and Postal Services we are committed to the coherent and systematic eradication of all forms of abuse, neglect or exploitation of children in cyber space as well to the effective inclusion and empowerment of children to participate in a child friendly ICT environment. Please join us in making this a reality for all children in South Africa through contributing to the implementation of the Children and ICT Strategy.

Children are the future inventors of technology let us support them to harness their creative potential and grow into independent, well rounded and focussed digital citizens'

Dr. Siyabonga Cwele

Minister of Telecommunications and Postal Services

Acknowledgements

The Department would like to take this opportunity to thank all the stakeholders especially the civil society organisations that contributed to the drafting this strategy. We would also like to pass a special word of appreciation and acknowledgement to Department of Basic Education for releasing learners to take part in one of the consultative workshops where the Environmental Scan of the Strategy was discussed and drafted that was held in November 2008 in the Limpopo Province.

Special acknowledgments go to the following organisations that gave crucial inputs to **different** parts of the strategy:

- Film And Publication Board
- Centre for Justice and Crime Prevention
- UNISA specifically the Youth Research Unit
- ICASA
- Department of Social Development
- SABC
- Department of Basic Education
- Various branches of the Department and the Top Management of the Department of Telecommunications and Postal Services for their inputs and endorsement of the strategy.

List of Abbreviations

ASASA	Advertising Standards Authority of South Africa
COP	Child Online Protection
CJCP	Centre for Justice and Crime Prevention
DTPS	Department of Telecommunications and Postal Services
DoE	Department of Education
DSD	Department of Social Development
DWCPD	Department of Women, Children and People with Disabilities
ECA	Electronic Communications Act
ECD	Early Childhood Development
EU	European Union
FPB	Film and Publication Board
GDYC	Gender, Disability, Youth and Children
GLBT	Gays, Lesbians, Bisexual and Transgender
ICASA	Independent Communications Authority of South Africa
ICTs	Information and Communication Technologies
ISPs	Internet Service Providers
ITU	International Telecommunications Union
MDDA	Media Development and Diversity Agency
MMS	Multimedia Messaging Services
MPCC	Multi Media Purpose Centres
MOU	Memorandum of Understanding
NEMISA	National Electronic Media Institute of South Africa

NMCF	Nelson Mandela Children’s Fund
NGO’s	Non-Governmental Organisations
PC	Personal Computer
PIT	Public Information Terminal
PPPs	Public Private Partnerships
RAPCAN	Resources Aimed at the Prevention of Child Abuse and Neglect
RICA	Regulation of Interception of Communication and Communications Related Information Act
UN	United Nations
UNISA	University of South Africa
SABC	South African Broadcasting Corporation
SoEs	State Owned Enterprises
UNESCO	United Nations Educational, Scientific and Cultural Organization
WASPs	Wireless Application Service Providers
WSIS	World Summit on Information Society

Definitions

Information and Communication Technologies (ICTs)

Represent the convergence of information technology and communication technology. ICTs are the combination of networks, hardware and software as well as the means of communication, collaboration and engagement that enables the processing, management and exchange of data, information and knowledge.

Child Online Protection (COP)

This refers to the protection of children online against any harmful activity, content or interaction when they access information on the internet on any technology platform.

Child Self Representation

Refers to the representation of children by children where all the following perspectives including disability, gender equity, rural/ and urban balance, digital divide, linguistic, cultural diversity and race.

Youth

The National Youth Development Agency Act (Act No. 54 of 2008) defines youth according to age as persons between the ages of 14 and 35.

Children

The Children’s Act, 2005 (Act No. 38 of 2005) defines a child a person under the age of 18 years.

E-Education

The White Paper on e-Education 2004 as defines e-Education as the use of ICTs to accelerate the achievement of national education goals”.

Digital Awareness

This refers to raising awareness amongst children of the use and usefulness of ICTs for educational, social and developmental purposes with the aim of promoting uptake and usage of ICTs.

Child Participation

Participation is a process in which children and youth engage with other people around issues that concern their individual and collective life conditions. Participants interact in ways that respect each other’s dignity, with the intention of achieving a shared goal. In the process, the child’s experiences itself as playing a useful role in the community. Formal processes of participation deliberately create structures for children’s engagement in constructing meaning and sharing decision making.

It is important to note that there is a need to reach a common understanding to have a working definition on Children’s Participation. It was suggested in the consultation meeting of the 19 March 2007 that the following definition by the June 2000 UNESCO Symposium on “Children’s Participation in Community Settings be considered and decide if it is appropriate.

Policy and Regulation

To assess the policy, legislative and regulatory environment in support of the development, empowerment, and protection of children, with respect to the ICT sector with a specific emphasis on the media. This should included assessing if there is a need for specific regulations on child online protection.

Managing the Unintended Consequences of ICTs on Children:

This refers to the management of the unintentional consequence of the original function/purpose of the ICTs that were or are being developed.

Cyberbullying:

Cyber bullying is broadly defined as wilful and repeated harm inflicted upon an end user through the use of computers, mobile telephony or other electronic and communication devices.

Sexting:

Sexting refers to the sending or receiving of sexually explicit messages, videos, or pictures via a mobile phone

Vision of the Department of Telecommunications and Postal Services (DTPS)

South Africa as a global leader in the development and use of Information Communication Technologies for Socio-economic Development.

Mission of the DTPS

Building a better life for all through an enabling and sustainable world class information and communication technologies environment.

Corporate Value System of the DTPS

- ① Transparency
- ① Respect
- ① Accountability
- ① Fairness
- ① Integrity
- ① Excellence
- ① Innovation

THE LEGISLATIVE FRAMEWORK OF THE DTPS

The Legislative Framework of the Department is contained mainly in the following:

- ① Broadcasting Act (Act 4 of 1999)
- ① Electronic Communications and Transactions Act (Act 25 of 2002)
- ① Former States Broadcasting Reorganisation Act (Act 91 of 1996)
- ① Electronic Communications Act (Act 36 of 2005)
- ① Independent Communications Authority Act of South Africa (Act 13 of 2000)
- ① Sentech Act (Act 63 of 1996)
- ① Telecommunications Act (Act 103 of 1996)
- ① Postal Services Act (Act 124 of 1998)

In executing its role the Department is also guided, among others by:

- ① The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)
- ① Public Service Act, 1994 (Act 103 of 1994) as amended
- ① Public Finance Management Act, 1999 (Act 1 of 1999) as amended

1. INTRODUCTION, RATIONALE, GUIDING PRINCIPLES AND TARGET GROUPS OF THE

CHILDREN & ICT STRATEGY

1.1 Introduction

The Department of Telecommunications and Postal Services' supports the protection and empowerment of Children in the ICT sector and this support is spurred on by our vision and mission which is *"To make South Africa to be a Global Leader in the development and use of Information Communication Technologies for Socio-economic Development"* and *"To build a better life for all through an enabling and sustainable world class information and communication technologies environment"* However, in the pursued of creating an enabling ICT environment, the Department of Telecommunications and Postal Services has realized the importance of the effective use of such ICTs particularly those deployed to facilitate broadcasting, access to information such as the internet and communication through mobile technology and how these ICTs can be used to promote or demote the social well being of society particularly the vulnerable members of society such as children.

Therefore, the Department took a deliberate decision to prioritize children in its work through the inclusion of a specific Strategic objective in our Strategic Plan that focuses on promoting the access to and usage of ICTs by children in a manner that promotes their socio-economic well being within society. Furthermore this promotion would be done through the development of a coherent guiding strategy on the protection and empowerment of children in the ICT sector with clear understanding that this is a collective responsibility and therefore the strategy would be a guiding document for the Department, its State Owned Enterprises and the broader private sector and civil society particularly Children's Rights Organisations and organisations working in the field of Children and ICTs.

Moreover, there is an urgent need to have firm ICT policies that protects and promote the rights of children in the broadcasting, electronic communications, and postal services sectors with a specific focus on online protection of children. In this regard government more specifically the Department of Telecommunications and Postal Services has to ensure that there is a good regulatory environment that promotes high quality local content for children in all media fields specifically in broadcasting. The ICT policies of the country have to ensure that the enabling ICT environment promotes and gives opportunity for local production, local content as this will enhance identity building amongst children and also ensure that they are exposed to positive content when accessing ICTs such as television, radio and the internet.

The key objective of the Strategy is to discuss matters pertaining to children and ICTs at national, continental and international level and how government, NGO's and industry can collaborate on promoting positive participation of children in the ICT environment as contributors, producers or consumers.

The Department has hosted a number of consultative sessions where children were participating in policy and regulation sessions and were they were discussing and giving inputs

on the policy direction the country ought to take in promoting the rights of children in the ICT sector. The content of the Children & ICT Strategy is primarily informed by these inputs.

The Strategy is also focusing themes such as Child Online Protection, Digital Awareness and Education, ICT Access in Schools, the role of ICTs in ECD and the Protection and Empowerment of Children in Broadcasting, Electronic Communications, Electronic Communications Network and Postal Services. The overall intention of the Strategy is to promote the use of ICTs for the Protection and Empowerment of Children through a collective response.

Information and communication technologies (ICTs) permeate every aspect of our lives; from community radios in the most rural parts of the globe to cellular phones in the hands of women and men in every community on earth, to computers in almost every medium to large organisation, educational institutions and schools and even a large number of households. The advancement of ICTs has brought new opportunities for knowledge sharing and knowledge gathering, opportunities for social and economic development, social engagement with friend and foe, and a number of other advantages through new innovative thinking and creative tools, of which the cellphone and personal computer (PC) are the most popular and accessible. However, ICTs have been compared to a double-edged sword – advancing the knowledge society on the one hand and deepening gender and social divides on the other. A basic assumption is sometimes made that all members of our global community benefit from and are part of the growing knowledge society that have access to all forms of ICTs.

A number of assumptions are also made about the extent to which ICTs are influencing every aspect of the lives of the younger generation (including children), in that it is generally accepted that they share the same characteristics and have total access to all forms of ICTs. What is true is that the characteristics of the younger generation as well as their access to ICTs vary by region and gender, and more often depend on social and economic conditions in which they may live. On the other hand, they are generally associated with an increased use and familiarity with communications, media, and digital technologies than the earlier generations, which results in so many things happening with the younger generations that the parents are not aware of. The other side of the sword is also that the older generation that has access to and utilises the ICTs are sometimes the ones that will exploit the younger generation. This requires a need for the protection that this document is aimed at.

1.2 Rationale for the Children & ICT Strategy

The Children & ICT Strategy is premised on the promotion and protection of children, including children with disabilities. The Strategy will assist the Department and its State Owned Enterprises to understand when developing or designing programs, processes and products to be attentive to the rights of and the protection of children in the Information Communication Technologies (ICTs) environment.

The main **context** in which this Strategy has been developed is in the acknowledgement that within the Department and its State Owned Enterprises there is no coherent strategy towards

achieving Children's empowerment in the ICT sector. There is a number of ad hoc uncoordinated programs that specifically focuses on Children's empowerment in the department and the State Owned Enterprises but, very few initiatives or strategies that aims at transforming the way in which the department and its State Owned Enterprises do business that is child friendly and has a deliberate intention to empower children whilst recognizing the fact that due to the history of South Africa there is specific need to put additional focus on the development and empowerment of the girl child. Furthermore it is critical to note that there is no coherent Strategy in place that promotes child participation and a child centre approach to the work of the Department and its State Owned Enterprises and this is a barrier in terms of ascertaining the real needs of children and hence the Department and the SoEs are unable to respond appropriately.

The Strategy therefore seeks to identify what is available currently, what are some of the gaps and challenges and how these gaps can be closed and these challenges be overcome in order to ensure that children equally benefit from the information communication and technology sector and become contributors, producers and consumers within a conducive, protective and child friendly ICT environment.

Furthermore with the advent of new media and technologies there is a growing trend of children being exposed to harmful content and falling victim to predators online and hence the Strategy also seeks to address the issue of child online safety.

Children are the earliest adopters of new technology and this creates a generational gap between children and parents. The Strategy therefore also focuses on Digital Awareness and Education in an attempt to narrow this gap and to empower parents and educators to be able to become digitally equip and so to be more effective in e-parenting.

It is critical to exposure children to technology from an early age if the digital divide is to be address and in this regard the Strategy will focus on supporting early childhood development through the use of ICTs.

Access to ICT infrastructure in schools remains a challenge and hence the Strategy will promote collaboration with all stakeholders to increase access to and usage of ICTs in schools.

There is also a challenge in regard to the appropriate use of ICTs by children and young people and hence the Strategy will focus on promoting Digital Citizenship that will include awareness on responsibility and rights of children within the ICT environment and the concept of using ICTs for social mobilization and child participation. The growing focus on the green economy has also necessitated a focus on the role of ICTs in promoting the participation of children in the environment in regard to managing e-Waste and general preservation of the environment through deploying ICTs.

1.3 Guiding Principles of the Children & ICT Strategy

1.3.1 Protection versus Empowerment

The key principal is to balance the right to freedom of expression and the use of ICT with a responsibility to protect children from exposure to potentially disturbing, harmful and inappropriate materials as well as to protect children from sexual exploitation through the deployment of ICTs.

1.3.2 Child Centred Approach

The following are key issues to consider when wanting to create a child centred approach in implanting the Strategy

- ① The strategy will primarily promote the direct participation of children in the ICT sector however this will have to take into account age appropriate interventions and where children are too young to participate directly their representative organisations will be consulted.
- ① There is a need to acknowledge that there are different understandings on the meaning of children's participation. Participation means different things to different people and the form and level of participation varies with circumstances, including culture, age, gender, settings, political conditions, available resources and participant's goals.
- ① Child participation requires clear mechanisms and effective strategies to be realized.
- ① In order to have effective children's participation, children and adults who work with and for children need to take part in the process with clear roles and responsibilities.
- ① Children's participation requires a radical paradigm shift in adult thinking and behaviour, from a world define by adults to one in which children are allowed to contribute to building the kind of world they want to live in.
- ① Age appropriate involvement in decision making & other levels must be adhered to if real child participation is to be achieved.
- ① Paradigm shift from adult centred view point to a child centred view point when dealing with children participation needs to be adopted.

1.3.3 Child Participation:

It is important to note that there is a need to reach a common understanding to have a working definition on Children's Participation. It was suggested in the consultation meeting of the 19 March 2007 that the following definition by the June 2000 UNESCO Symposium on "Children's Participation in Community Settings be considered and decide if it is appropriate

Participation is a process in which children and youth engage with other people around issues that concern their individual and collective life conditions. Participants interact in ways that respect each other's dignity, with the intention of achieving a shared goal. In the process, the child's experiences itself as playing a useful role in the community. Formal processes of participation deliberately create structures for children's engagement in constructing meaning and sharing decision making.

1.3.3.1 Conceptualization of Child participation unpacking the concept

- ① There is a need to acknowledge that there are different understandings on the meaning of children's participation. Participation means different things to different people and the

form and level of participation varies with circumstances, including culture, age, gender, settings, political conditions, available resources and participant's goals.

- ① Child participation requires clear mechanisms and effective strategies to be realized.
- ① In order to have effective children's participation, children and adults who work with and for children need to take part in the process with clear roles and responsibilities.
- ① Children's participation requires a radical paradigm shift in adult thinking and behaviour, from a world defined by adults to one in which children are allowed to contribute to building the kind of world they want to live in.
- ① Children should not only be involved as consumers of children's media but also should be allowed to participate meaningfully in the planning and production of children's programmes. Facilitate children's access to ICTs so as to enable them to use in a way that empowers them rather than harms them.
- ① Age appropriate involvement in decision making & other levels must be adhered to if real child participation is to be achieved.
- ① Children's produced media (by children) should be used as a powerful tool to promote children's self advocacy.
- ① Media could provide children with the opportunity to actively participate on issues that affect them by using the media as a tool to express their own feelings, ideas and opinions in their own unique way, and to do so within a safe environment.
- ① Transformation of cultural perceptions of children's agency in their own lives.

1.3.4 Inclusion and Diversity

Disability, gender equity, rural/ and urban balance, digital divide, linguistic, cultural diversity and race must be considered in the implementation of the Strategy as children are not a homogeneous group.

1.3.5 Facilitation, Promotion and Influence of International Agenda related to Children and ICTS

The involvement of children, children's organisations at all levels of decision making is important as it imparts knowledge and encourages participation. The participation and influence by children and children's organisations the discussions and decisions on internationally related ICT platforms especially at the International Telecommunications Union and other related international children's bodies and forums needs to be promoted, coordinated and encouraged. The exposure to the research and innovations by other countries in the area of child protection and empowerment in the ICT sector will broaden their thinking and perceptions of what can be achieved through ICTs.

It is important for children and children's organisations to be given a platform to influence and contribute to international discussions and debates on child protection and empowerment especially child online protection and online child safety. This will assist with emphasizing the positive role ICTs can play in the development of children. There is a need to manage the unintended consequences of ICTs on children specially the exposure to harmful content online and hence it is important to note that the strategy seeks to explicitly support the Child Online Protection Initiative spearheaded by the ITU. It is critical to manage the knowledge that is

acquired by the children and children's organisations that have participated in international fora and programmes. The DTPS has to keep a database of organisations who have;

- i. Participated in ICT international fora
- ii. Participated in ICT international programmes including exchange or research programmes
- iii. Regular discussions with these organisations need to be facilitated. Children should articulate a way forward after the all major international summits relating to Children and ICTs matters

1.4 Target Groups

The Children & ICT Strategy targets all children but will focus on the following specific target groups within the children sector;

1. Children from rural areas
2. Children with Disabilities
3. The Girl Child
4. Children in School
5. Children in ECD and Child Care Centres
6. Children at risk

Information Communication Technologies (ICTs) can facilitate the empowerment of children and the promotion of their development. The effective use of ICTs can be integral to the protection of the South African children. This is one of the main grounds that have led to the DTPS mandating its Gender, Disability, Youth and Children (GDYC) Chief Directorate to coordinate, through the Children's Empowerment Directorate, the development of a Children & ICT Strategy.

2. OBJECTIVES OF THE CHILDREN & ICT STRATEGY

- a) To provide direction on what children, children's rights organizations and organizations working in the area of children and Information Communication Technologies (ICTs) expect from the Department in regard to ensuring access to end usage of ICTs by children.
- b) To assess how the Department can support the organizations that participated in the process to implement ICT projects in their respective organizations in support of the implementation of the Children & ICT Strategy.
- c) To have an accurate national and provincial database on the key role players in the ICT sector that provides specific programs or interventions for children and to create a platform for collaboration amongst these role-players.
- d) To ascertain the different roles of stakeholders within the children and ICT environment
- e) To have a specific focus on Child Online Protection throughout the Strategy implementation.
- f) To facilitate the empowerment of children through ICTs by supporting initiatives implemented by government, civil society and private sector.

- g) To promote the protection of children in the ICT sector through the implementation of awareness and education campaigns.

The Children & ICT Strategy seeks to provide guidance to the Department of Telecommunications and Postal Services (DTPS), its portfolio organisations as well as Children's Rights Organisations and Organisations working with children in the Information and Communication Technology (ICT) sector on how protection and empowerment of children should be approached and coordinated within the ICT sector. The Strategy is further underpinned by the principals contained in the Children's Act of 2005.

3. LEGISLATIVE AND POLICY FRAMEWORK INFORMING THE CHILDREN & ICT STRATEGY

The following legislation will guide implementation of the Children and ICT Strategy;

- ① The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)
- ① The UN Millennium Declaration and its Development Goals
- ① Convention on the Rights of the Child
- ① Africa Charter on the Rights of the Child
- ① Amended Children's Act
- ① Electronic Communications Act
- ① Electronic Communications Transactions Act
- ① Film and Publications Act

The National Youth Policy (2009-2014) is one of the policies to guide the implementation of Children & ICT Strategy. The Strategy acknowledges the definition of youth that is contained in the policy as it includes a cohort of children between the ages of fourteen (14) and seventeen (17) that will be targeted through the Children & ICT Strategy.

Implementation plans will be developed annually and will take into consideration the Legislation and Policy changes that might take place after the finalisation of the Strategy in line with the identified focus areas in the Strategy.

4. THE STATUS OF CHILDREN EMPOWERMENT IN DOC AND STATE OWNED ENTERPRISES

As part of the process to develop the Children & ICT Strategy, the Department conducted a number of consultative workshops and received inputs from various stakeholders including the following: National Office on the Rights of the Child (now the Ministry for Women, Children and Persons with Disabilities) Provincial Offices on the Rights of the Child, Children's Institute, Film and Publication Board, Department of Social Development, Children's Movement, Disabled Children's Action Group and RAPCAN. Out of these workshops the Department prepared an e-Environment Scan Report that identify and analyse existing children's related policies, legislation and programmes within the Department and its Portfolio Organisations to inform the development of a comprehensive Children & ICT Strategy.

The following broad observations were made from the Environment Scan Report:

- ① There is no coherent Strategy towards achieving Children's empowerment in the ICT sector.
- ① There is a number of ad hoc uncoordinated programs that specifically focuses on children's empowerment in the Department and the State Owned Enterprises but, very few initiatives or strategies that aims at transforming the way in which the Department and its State Owned Enterprises do business.
- ① That all programs aimed at children should be child friendly and have a deliberate intention to empower children whilst recognizing the fact that due to the history of South Africa there is specific need to put additional focus on the development and empowerment of the girl child.
- ① That there is a need to manage the unintended consequences of ICTs on children such as pornographic websites not being monitored for access by children, children using the cell phones to record each other and sending these images around, convergence of technology creating enabling platforms for viewing of inappropriate material by children such as watching pornographic movies on their cell phones.
- ① Rules for different service providers not aligned in terms of mobile operators, Internet Service Providers (ISPs), broadcasters being regulated differently in terms of content distribution.
- ① Children's programs aired at inappropriate times e.g. when children are at school, therefore difficult for children to participate in these.
- ① Poor coordination and inadequate implementation of programmes, policies and strategies that could benefit children. This was as a result of the absence of a coordinating tool like the Strategy.
- ① Poor institutional mechanisms to facilitate integration of children's empowerment in the ICT Sector.
- ① Uncoordinated participation and influence of international agenda related to children and ICTs.
- ① Poor monitoring and evaluation on the impact of programs due to lack of indicators and standards.
- ① That there is no coherent Strategy in place that promotes child participation and a child centre approach to the work of the Department and its State Owned Enterprises and this is a barrier in terms of ascertaining the real needs of children and hence the Department and the SoEs are unable to respond appropriately.

The Children & ICT Strategy was drafted as an attempt to address some of the shortcomings identified in the scan report as well as to acknowledge and strengthen work already being done by the Department and the SoEs.

5. TOWARDS A CHILD FRIENDLY AND PROTECTIVE CHILDREN AND ICT ENVIRONMENT

5.1 Key Focus Areas for the Protection and Empowerment of children through ICTs

5.1.1. Policy and Regulation Impact

To assess the policy, legislative and regulatory environment in support of the development, empowerment, and protection of children, with respect to the ICT sector with a specific emphasis on the media. This should include assessing if there is a need for specific regulations on child online protection.

Empowerment of Children in terms of the of ECA

Even though the Telecommunications Act was repealed and replaced by the ECA, the Universal Service Fund established in terms of section 65 (1) of the Telecommunications Act continues to exist in terms of this Act and will henceforth be called the Universal Service and Access Fund, and the Agency must keep account of the Fund in its books and credit the Fund with (a) universal service contributions referred to in section 89; and (b) money accruing to the Universal Service and Access Fund from any other source.

2) All money received, the amounts of which in terms of subsection (1) must be credited to the Universal Service and Access Fund in the books of the Agency, must be paid into the National Revenue Fund established by section 185 of the Constitution.

3) Subsidies paid from the Universal Service and Access Fund in terms of section 88 must be financed from money appropriated by Parliament for that purpose.

4) The Universal Service and Access Fund must be administered by the Agency subject to the control and in accordance with the instructions of the Minister.

Section 88 of ECA provides that the money in the Universal Service and Access Fund must be utilized exclusively for the payment of subsidies to schools, and therefore the main beneficiaries are children.

Section 73 which is dealing with E-rate states that Internet services, provided to all public schools as defined in the South African Schools Act, 1996 (Act 84 of 1996), and all public further education and training institutions as defined in the Further Education and Training Act, 1998 (Act 98 of 1998), must be provided at a minimum discounted rate of 50% off the total charge levied by the licensee providing Internet services to such institutions. The discount is applicable of the total charge levied by the licensee which includes but, is not limited to the following:

a) Any connectivity charges for access to the Internet; b) Charges for any equipment used for or in association with connectivity to the

Internet; and c) All calls made to an Internet Service Provider.

3) Where the licensee, who provides Internet services.

Given the children are defined as 0 to 18 years by the Children's Act all the above provisions therefore directly benefits children and the strategy should emphasize the implantation of these provisions as part of the access to e-Education focus area

Empowerment of children in terms of the Broadcasting Act

The public service provided by the Corporation must--

- ① include significant amounts of educational programming, both curriculum based and informal educative topics from a wide range of social, political and economic issues, including, but not limited to, human rights, health, early childhood; and
- ① Strive to offer a broad range of services targeting, particularly, children and **people** with disabilities

The above again emphasis that there are provisions in the Act in terms of what must be provided for children in regard to broadcasting and hence the strategy will focus on the implementation of these provisions with the public broadcaster being the main partner in this regard.

5.1.1.1 Broadcasting

The Status of Children and the Media

- ① There are attempts to involve children in the production of programming and content.
- ① A shift away from treating children only as consumers of content is supported by the legislative framework but, not implemented practically by the ICT and media environment.
- ① To ensure the inclusion of a children's perspective in the review of all related ICT policies and legislation so as to ensure the protection and empowerment of children in the sector.
- ① To ensure that the strategy implemented for Community Radio stations in terms of content, monitoring and licensing are child friendly and inclusive of a children's perspectives
- ① Extensive Regulatory environment exist with regard to the protection of children in television industry however it is primarily self regulated and this poses a threat for the protection of children
- ① A comprehensive child's rights approach within the Constitution and some other national pieces of legislation supports the intent of the strategy to protect and empower children

It is important to note that there is extensive regulatory environment for the protection of children in television industry this is to ensure that SOEs are complying with these legal provisions.

In South Africa, the Broadcasting Complaints Commission was set up by the National Association of Broadcasters. The South African Broadcasting Corporation as one of the SOEs of the Department of Telecommunications and Postal Services is a member of the National Association of Broadcasters. Therefore, the Code of Conduct as agreed by the Broadcasting Complaints Commission of South Africa should be applied by South African Broadcasting Corporation to protect the children.

Taking into consideration that the Code of Conduct as agreed by the Broadcasting Complaints Commission of South Africa is similar to the Code of Conduct which has been developed by ICASA and published in 2009 for Broadcasting Service Licensees which is also involving Community Radio Stations. ICASA developed this Code of Conduct in order for broadcasting licensees to avoid violence and hate speech. Clause 5 of this Code of Conduct is dealing with children and provides the following:

- ① Broadcasting service licensees must not broadcast material which is harmful or disturbing to children at times when a large number of children are likely to be part of the audience.
- ① Broadcasting service licensees must exercise particular caution, as provided below, in the depiction of violence in children's programming.
- ① In children's programming portrayed by real-life characters, violence may, whether physical, verbal or emotional, only be portrayed when it is essential to the development of a character and plot.
- ① Animated programming for children, while accepted as a stylised form of story-telling which may contain non-realistic violence, must not have violence as its central theme, and must not incite dangerous imitation.
- ① Programming for children must with reasonable care deal with themes that could threaten their sense of security when portraying, for example, domestic conflict, death, crime or the use of drugs or alcohol.
- ① Programming for children must with reasonable care deal with themes which could influence children to imitate acts which they see on screen or hear about, such as the use of plastic bags as toys, the use of matches or the use of dangerous household object as toys.
- ① Programming for children must not contain realistic scenes of violence which create the impression that violence is the preferred or only method to resolve conflict between individuals.
- ① Programming for children must not contain realistic scenes of violence which minimise or gloss over the effect of violent acts. Any realistic depictions of violence must portray, in human terms, the consequences of that violence to its victims and its perpetrators.
- ① Programming for children must not contain frightening or otherwise excessive special effects not required by the story line.
- ① Offensive language, including profanity and other religiously insensitive material, must not be broadcast in programmes specially designed for children.
- ① No excessively or grossly offensive language should be used before the watershed period on television or at times when a large number of children is likely to be part of the audience on television or radio.

5.1.1.2 Telecommunications

Mobile Content

- ① Only with proper education can the exploitation of children by usage of sms, mms and dating services provided via mobile phones such as "Mxit", "facebook" and "tweeter" be addressed, as there is no legal means available to do it.
- ① Regulation of interception of Communication & Provision of Communications-related Information Act, 2002 has been introduced but, this Act governs the right of law enforcement agencies to request mobile operators to intercept the content and information about the communication. It is not a piece of legislation that can be utilised by ordinary citizens such as a parent who want to intercept the content of his or her child's potentially harmful conversations.

- ① The biggest challenge in this area is the licensing of WASPS that provide the platform for potentially harmful content for children. Licensing in terms of EC ACT however only applicable in South Africa.
- ① Filtering software such as the Web nanny software is available to block access to harmful sites and content and usage monitoring.
- ① Operators don't have control over or the right to view personal content of users i.e. sending of pictures through MMS.
- ① Manufacturers should improve education to parents of children who purchase handsets on the features of equipment.

The internet content is not monitored in South Africa and this is the practice of the whole world. South Africa has established a self or coregulatory model for example, the internet industry published codes of good practice to guide the Internet industry in terms of the measures which may work best when it comes to keeping children and young people safer online.

This has been achieved through chapter XI which is dealing with the limitation of liability of service providers of Electronic Communications and Transactions Act of 2002. Section 71 of this mentioned Act stipulates that:

- ① the Minister may, on application by an industry representative body for service providers by notice in the Gazette;
- ① the Minister may only recognise a representative body if the Minister is satisfied that-
 - a) its members are subject to a code of conduct;
 - b) membership is subject to adequate criteria;
 - c) the code of conduct requires continued adherence to adequate standards of conduct; and
 - d) the representative body is capable of monitoring and enforcing its code of conduct adequately.

The Department of Telecommunications and Postal Services published in the Government notice on 14 December 2006 the Guidelines for Recognition of Industry Representative Bodies of Information System Service Providers contemplated in Chapter XI of the Electronic Communications and Transactions Act, 2002.

Clause 2.3 of the Guidelines principle which is dealing with constitutional values provides that "the guidelines are based on and consistent with constitutional values contained in the Constitution of South Africa, Act 108, Chapter 2 of the Bill of Rights and more specifically the provisions on human dignity (section 10), privacy (section 14), freedom of belief, religion and opinion (section 15) and freedom of expression (section 16). The basic values underlying a democratic society such as freedom of speech, protection of privacy and informational integrity, legality and *the protection of minors should be respected*".

Section 78 of Electronic Communications and Transactions Act of 2002 states that there is no general obligation on ISPs to monitor the conduct or content of the recipients of their services except as provided in South African law as the requirements in the Films and Publications Act

No.65 of 1996 on the prevention of child pornography, but clause 2.9 of the Guidelines stipulates that ISPs should not be allowed to turn a blind eye where they become aware of illegal content or conduct within their sphere of operation and control.

Bearing in mind that clause 5.9 of the Guidelines is focusing on the protection of minors (minors mean children) and provides the followings:

- ① members will take reasonable steps to ensure that they do not offer paid content subscription services to minors without written permission from a parent or guardian;
- ① members undertake to provide their recipients of Internet access with information about procedures, content labelling systems, filtering and other software applications that can be used to assist in the control and monitoring of minor's access;
- ① therefore, these two mentioned bulletins do not apply when Members offer services to corporate recipients of their services, where no minors have Internet access.

As a result, Internet Service Providers of Association was recognised as Industry Representative Body by the Minister of Communications and it reporting on annual basis to the Department of Telecommunications and Postal Services.

5.1.1.3 Postal Services

a) Postal Services

In terms of access to and participation of children in the postal sector and related postal services needs further research and the Strategy therefore proposes such research to be undertaken as part of the implementation of the strategy. Children do not use postal services directly it primarily through the assistance and with permission of their parents and therefore they may not be direct threats to children in this sector. The research proposed would therefore have to focus on whether the postal service sector has any impact on children If so, the strategy would need to ensure mechanisms to manage such impact. The following are some areas to consider in the propose research and also in addressing the needs of children in the postal services sector:

b) Access to Public Information Terminals (PIT)

There are PITs at almost every post office: where children can access internet.

It was noted that there are filtering in place to assist in preventing children to access pornographic sites etc. However, there are always gaps.

c) Access to and use of Post Bank Services by children

Children and bank account children may open a bank account however they need permission from parents if younger than sixteen (16) years. This is still a risk as it can provide children with access to finances to enable them to access harmful material or content.

d) Access to and usage of Courier Services by children

This service can be utilized to purchase goods that could be harmful to children but it cannot be monitored at this stage

5.1.2 Access to Financial Services by Children

The access to financial services by children goes beyond services rendered at the Post Bank for example the e-wallet that are presently facilitated by the financial institutions through mobile technology gives children higher access to financial services as they do not have to open an account but just have access to mobile technology.

There is a need for an educational program targeted at parents and care givers to promote the concept of responsible banking amongst children to prevent them from using access to finance which is the right to purchase harmful content on electronic platforms.

The Department would have worked closely with parent organisations and financial institutions to implement such responsible banking programs for children.

5.1.3 Child Online Protection and Victim Support

The ITU is the lead organisation on Child Online Protection (COP), the Department as a member state prescribes to this initiative and in regard works closely with the Film and Publication Board to protect children online and to promote internet safety of children.

The COP initiative spearheaded by the ITU aims to tackle cybersecurity holistically, addressing legal, technical, organizational and procedural issues as well as capacity building and international cooperation. Our children are our future. This universal fact, coupled with young people's particular vulnerability in an online environment, made a specialized initiative within the larger GCA framework a necessity.

The legal, technical and institutional challenges posed by the issue of cybersecurity are global and far-reaching and can only be addressed through a coherent strategy taking into account the role of different stakeholders and existing initiatives, within a framework of an international collaborative network.

Key Objectives of the ITU COP initiative are:

- ① Identify risks and vulnerabilities to children in cyberspace
- ① Create awareness
- ① Develop practical tools to help minimize risk
- ① Share knowledge and experience

The Department and the FPB prescribe to these objectives and has implemented a number of programs and initiatives in support of these objectives except for the objective on sharing knowledge and experiences and hence it is proposed to set up Child Online Protection Information Hub that would provide a platform for all relevant role players to share information, knowledge and experiences online and through offline supporting initiatives with

parents, teachers and children to raise awareness on internet safety and child online protection

The objectives of the ITU COP initiative will be the basis for the implementation of this focus area on Child Online Protection and all programs to be conceptualised and implemented will support these objectives with a specific focus on the following:

① Creation Awareness

In this regard the department and the FPB intends to partner on rolling out awareness raising campaign on internet safety and Child Online Protection in schools primarily but, also to work with other entities dealing with children so as to increase the level of awareness amongst all citizens but, focussing on parents and teachers

The Department has set up webpage on the DTPS Website, we also have run a radio and television campaign to raise awareness on the matter and we have participated in the National Survey run by the ITU

① Develop Practical Tools to Promote COP

The Department would primarily be responsible for developing toolkits and guidelines on Child Online Protection that are reflective of the South African context drawing on the tools that has been developed by the ITU, in this regard the department would have to work closely with the Department of Basic Education, Social Development and related non- governmental institutions.

The Department will foster a partnership with UNICEF towards the development of these South African Specific guidelines and toolkits with the FPB being the key content partner.

COP has been established as an international collaborative network for action to promote the online protection of children worldwide by providing guidance on safe online behaviour in conjunction with other UN agencies and partners South Africa as a member of the ITU would also foster partnerships with other African countries on possible implementation of collaborative programs to promote the protection and empowerment of children in the ICT sector and specially focussing on the advocating for the implementation of COP initiatives and projects that could benefit the children of the African continent and Southern African region and

Child Online Protection Guidelines

The ITU has developed guidelines for Children, Parents, Guardians and Educators, Industry and Policy Makers.

One of the key aims of the Strategy would be to support the implementation of these guidelines and to consider the development of South African Guidelines pertaining to Child Online Protection.

Possible Interventions regarding the promotion of the COP Initiative:

- ① Awareness and Education Campaigns on Child Online Safety
- ② Need For a National Focus on Online Child Protection

Several national governments have found it useful to bring together all of the key stakeholders and players to focus on developing and implementing a national initiative around making the Internet a safer place for children and young people, and raising awareness of the issues and how to deal with them in a very practical way. It will be important within this strategy to realise that the Internet can now be accessed via several different kinds of devices. Computers are only one of many ways of going online. Mobile phones, games consoles and PDAs are also increasingly important. The providers of both wireless and fixed-line access need to be involved. Additionally in many countries the network of public libraries, telecentres and Internet cafes can be important sources of Internet access particularly for children and young people.

Some countries have found it to be advantageous to establish a self or coregulatory model in relation to developing policy in this area and through such models they have, for example, published codes of good practice to guide the Internet industry in terms of the measures which may work best when it comes to keeping children and young people safer online. This has also worked at the regional level, for example within the European Union where EU-wide codes have been published both for social networking sites and mobile phone networks in relation to the provision of content and services to children and young people via their networks. Self and co-regulation can be a very effective way of helping to engage and sustain the involvement of all relevant stakeholders and can also be very effective in terms of enhancing the speed with which appropriate responses to technological change can be formulated and put into effect. Schools and the education system generally will play a very important part in rolling out such a national strategy, but the strategy also needs to go wider than that.

Consideration should also be given to enlisting the aid of the mass media in promoting awareness messages and campaigns. Need to Develop Local Resources Which Reflect National Laws and Local.

Many of the large Internet companies produce websites which contain a great deal of information about online issues for children and young people. However, very often this material will only be available in English or in a very narrow band of languages. It is very important, therefore, that materials are produced locally which reflect local laws as well as local cultural norms. This will be essential for any Internet safety campaign or any training materials that are developed.

Helping Children to Stay Safer Through the Use of Technical Tools

There are a number of software programmes available which can help screen out unwanted material or block unwanted contacts. Some of these child safety and filtering programmes may be essentially free because they are part of a computer's operating system or they are provided as part of a package available from an ISP or ESP. The manufacturers of some game consoles also provide similar tools if the device is Internet enabled. These programmes are not foolproof but they can provide a welcome level of support, particularly in families with younger children. These technical tools should be used as part of a broader arsenal. Parental and/or guardian involvement is critical. As children start getting a bit older they will want more privacy and they will also feel a strong desire to start exploring on their own. In addition, where a billing relationship exists between vendor and customer, age verification processes can play a very valuable role in helping vendors of age restricted goods and services or the publishers of material which is intended only for audiences at or above a certain age, to reach out to those specific audiences. Where no billing relationship exists the use of age verification technology may be problematic or in many countries it may be impossible due to a lack of reliable data sources.

Need for Public Education and Awareness Activities Cultural Norms

Parents and guardians and professional, such as teachers, have a crucial role to play in helping to keep children and young people safer online. Educational and outreach programmes should be developed which help build awareness of the issues and also provide strategies for dealing with them. When producing educational materials it is important to bear in mind that many people who are new to the technology will not feel comfortable using it. For that reason it is important to ensure that safety materials are made available in either written form or produced using other media with which newcomers will feel more familiar, for example, with video. Within any education and awareness campaign it will be important to strike the right tone. Fear-based messaging should be.

Alignment of Legislation and Policies supporting Child Protection to be inclusive of Child Online Protection

Comprehensive Legal Framework

It will generally be necessary for there to be in place a body of laws which makes it clear that any and every crime that can be committed against a child in the real world can, *mutatis mutandis*, also be committed on the Internet or on any other electronic network. It may also be necessary to develop new laws or adapt existing ones to outlaw certain types of behaviour which can only take place on the Internet, for example the remote enticement of children to perform or watch sexual acts, or "grooming" children to meet in the real world for a sexual purpose. Ancillary to these purposes it will generally be necessary for there to be in place a legal framework which outlaws the misuse of computers for criminal ends, outlaws hacking or other malicious or non-consensual use of computer code and establishes that the Internet is a locus within which crimes can be committed.

Need for Reporting Mechanisms for Online Predatory Behaviour, Including Bullying

Mechanisms for reporting abuse of an online service or for reporting objectionable or illegal behavior online, for example to a national hotline, should be widely advertised and promoted both on the Internet and in other media. Links to report abuse mechanisms should be prominently displayed on relevant parts of any web site that allows user generated content to appear. It should also be possible for people who feel threatened in any way, or for people who have witnessed any worrying activity on the Internet, to be able to report it as quickly as possible to the relevant law enforcement agencies who need to be trained and ready to respond. The Virtual Global Taskforce is a law enforcement body which provides a 24/7 mechanism to receive reports about illegal behaviour or content from persons in the USA, Canada, Australia and Italy, with other countries expected to join soon. See www.virtualglobaltaskforce.com

The above is extracted from the Guidelines for policy makers but, it is applicable to the South African context however it would be critical to agree on retaining it as is or reworking it to be South African in content and form as this will be important when implementing the strategy

Victim Support

This is to raise awareness on children being victims and perpetrators of cybercrimes.

This section should include strategies on how to support children and parents who has fallen victim to child online exploitation or victimization. There should be a intersectoral approach to victim support and the Department of Social Development and the Department of Justice and Constitutional Development must be key role players in the programs relating to victim support.

5.1.4 Cyber Bullying and Sexting

- ① Cyberbullying and sexting are two of the most recent typologies of violence that are facilitated through online engagement, specifically through internet and mobile platforms.
- ① Bullying, and its related harms, in its physical and emotional forms has existed for a long time; new technologies merely provide a new forum for this to take place, and for new forms to emerge. Cyberbullying is broadly defined as wilful and repeated harm inflicted upon an end user through the use of computers, mobile telephony or other electronic and communication devices. Cyberbullying may take the form of threats, harassment, taunts, or denigration, and may be closely related to physical or offline violence.
- ① Sexting refers to the sending or receiving of sexually explicit messages, videos, or pictures via a mobile phone.
- ① While all cyberbullying and sexting is undesirable, care must be taken to recognise that different forms of cyberbullying may have differing harmful impacts, and interventions need to be premised on an understanding of both the different forms, and different degrees of harm, that bullying results in.
- ① Victims of cyberbullying and sexting may experience all of the symptoms related to offline bullying, including depression, sadness, anxiety, anger, withdrawal from personal relationships, and poor or declining educational performance.
- ① There is a need to recognise that certain cohorts of children may be at greater risk of being bullied through online forums than their peers, particularly gay, lesbian, bisexual

and transgender children (GLBT), or children with disabilities, necessitating the design and provision of targeted interventions by stakeholders.

- ① While sexting may be criminalized under the Childrens Act (2005), depending on the age of the parties involved, cyberbullying largely falls outside of the legal and legislative framework. *(The exception to this is online harassment and stalking, components of which may be covered under the pending Harassment Bill currently before Parliament)*
- ① While there is little nationally representative data on the extent of both forms of violence, there is some evidence to suggest that both cyberbullying and sexting is increasing, and that as mobile penetration continues to expand both cyberbullying and sexting are likely to increase. However, as harmful as these practices are, there is no evidence that they are close to an epidemic, and care must be taken to present a balanced view of these harms, balancing the recognition that these are real and harmful threats to children's well-being and safety, but with targeted and coherent interventions and management, can be reduced, and the impact mitigated.
- ① Care must be taken not to exaggerate the extent of cyberbullying and harm, as there is substantial norms research that illustrates that exaggerating bullying can increase the risk of bullying occurring. Notwithstanding this, there should be a common recognition that both cyberbullying and sexting present real and harmful forms of violence that impact negatively on children.
- ① Both policies and intervention strategies must be developed on reliable and representative data on the extent, nature and impact of cyberbullying and sexting.
- ① The importance of an ecological approach to addressing cyberbullying and sexting should be emphasized. Parents, educators, schools and community leaders, as much as children and peers themselves, have a role to play in promoting responsible usage of mobile telephony.
- ① Approaches that promote the management and responsible usage of technology should be favoured and promoted over those that attempt to prevent or restrict access to technology. Such approaches reinforce the guiding principle that balances the rights of the child to freedom of expression, with the responsibility to protect children from any harmful impact of ICTs.
- ① Interventions and policies to address both cyberbullying must build on the protective factors that children display, and should focus on the effective and responsible management of technology and various relevant platforms.
- ① The need to ensure both a child participatory approach to identifying and reinforcing what works, points to the importance of partnerships between the Department and other National and Provincial Departments, such as Basic Education, through which access to schools and children may be facilitated. Such partnerships can further enhance peer awareness and intervention strategies, as well as interventions targeting caregivers and parents.
- ① The Department may play a facilitating role in the dissemination of reliable data and information, as well as online information on evidence-based practice and interventions. Such interventions should not be limited to prevention, but should also include information on best-practice and restorative justice practices in working with perpetrators of cyberbullying and sexting.

- ① The Department also has an important role to play in ensuring the commitment of all parties and stakeholders, including the mobile operators, WASPS and others in taking steps to prevent cyberbullying.
- ① Relating to the above, the Department may provide a resource in how best to respond to incidents of cyberbullying and sexting, again drawing on both international and national best practice. This may be extended to the provision of guideline reporting templates and responses.
- ① Similarly, the Department's role in supporting victim support to children identified in Section 5.1.2 above may be extended to facilitating online and offline access to victim support, and potentially conflict resolution services, for victims of cyberbullying.

5.1.5 Promotion of Digital Citizenship

The aim of this focus area would be to discuss and review issues of the green economy and its impact on children, Child participation and representation in the ICT Sector, Social mobilisation negative and positive aspects thereof.

5.1.6 e-Education

This would focus on access to ICTs in schools and the role of ICTs in Early Childhood Development.

In this regard the intention is to support the Department of Social Development in terms of the National ECD Strategy but, with an emphasis on the provision of ICT infrastructure and promotion of e learning in ECD centres.

Furthermore the strategy will also support the implementation of the Child Online Safety guidelines developed by the Department of Basic Education and the School Connectivity Program with emphasis on promotion of e-learning through the use of mobile technology in schools and the promotion of technology clubs in schools.

Key partners in this regard will be the Department of Basic Education, Department of Social Development, Department of Women, Children and Persons with Disabilities Soul City and Google South Africa

5.1.7 Managing the Unintended Consequences of ICTs on Children:

It is the unintentional consequence of the original function/purpose of the ICTs that were or are being developed. The ICT Tools or sectors to be considered in this debate are:

- ① Television Broadcasting (Televisions)
- ① Radio Broadcasting (Radios)
- ① Mobile Content/ broadcast (Mobile Phones)
- ① E-content/ Internet (Computers)
- ① Print Media (News Papers)

Status Quo:

- ① Policy that obligates broadcasters to protect children.

- ① Community radio stations license process through ICASA with guidance from DTPS also includes guidelines for the protection of children.
- ① Children are very receptive to new technologies.
- ① Government introduced the Regulation of Interception of Communication and Communications Related Information Act (RICA) – this means that the mobile operators have put systems in place that allows the Law Enforcement Agencies to intercept communications as an effective means to curb crime.
- ① There are several points of access for children namely broadcasting, telecommunications and computers.
- ① From a mobile perspective there are several points of access for children namely peer to peer (due to privacy legislation there is nothing that the mobile operators can do about private communications), internet (this is outside of the control of the mobile operators although consumers can download software such as web nanny to restrict access to certain websites) and content obtained from Wireless Application Service Providers (“WASPs”) through the use of short codes (the mobile operators have put measures in place by signing the WASP MOU as well as endorsing the WASP Association both set strict guidelines to WASP content).
- ① The introduction of the “Watershed Period” which limits the exposure of children to pornographic and other age inappropriate material on television.
- ① The Television industry is highly regulated and it is an effective medium to educate children.

5.1.8 Digital Awareness

This focus area will deal with the promotion and protection of children’s freedom of expression and the right to privacy, including raising awareness on the use and usefulness of having access to ICTs.

It will also focus on strategies for positive parenting through the use of ICTs or e-Parenting basically working with organisations that provide services to parents to equip them with knowledge skills and information on how to parent in the age of technology.

6 COLLABORATION AND PARTNERSHIPS

6.1 Institutional Mechanisms

Children and ICT Forum (Established of Forum in support the Strategy)

The Forum would be set up as an advisory body to the Department that would primarily be a sounding board to evaluate progress against the milestones and targets set in the Strategy. The Forum would meet annually and develop an annual report on the strategy implementation that would be a public document. The Department would be responsible for the coordination of the forum meetings and administrative support required by the forum.

Composition of the Forum

- ① Government Departments: With specific focus on children
- ① NGO/NPO’s working in the field of Children’s Rights and ICTs

6.2 Role of Children in the Forum

Children should be represented through their organisations if children outside schools are targeted. Children in school should be accessed through the Department of Basic Education. The main role of children on the forum will be to test the effect of the Strategy. **Is it working or not?** Parents should also be involved through organisations working directly with parents.

6.3 Collaboration with organisations

The following service providers should be involved in the implementation of the Strategy:

1. Children Radio Foundation and UNICEF they are equipping children to be broadcasters
2. Film and Publication Board focus on Child-online Safety
3. Childline (Social networks, victim support, capacity building to civil Society)
4. Centre for Justice and Crime Prevention (CJCP)
5. LEAD (Digital citizenship)
6. John Hopkins(Brothers for Life Initiative, Social Mobilisation)
7. Media Monitoring Africa the issues relating to monitoring of the media and the impact of the media on children
8. Nelson Mandela Children Fund (NMCF)
9. Parent Centre(Parent support)
10. DSD(Victim support)
11. I-Web(child trafficking)
12. Financial Institutions

6.4 Children and ICT award to organisations within the ICT sector

The aim of such an award would be to recognise the work done by organisations in the field of protecting and empowering children in the ICT environment. This will also build the database of organisations working the area of child online protection as this is a new field in the children and ICT environment.

6.5 Children and ICT Summit

The Summit would directly link to the ICT forum and it would be a platform for organisations working the Children and ICT environment to showcase achievements and to discuss challenges in regard to the implementation of the strategy. The Summit would be held annually and it would also include the presentation of finding on research that has been done in the area of child online protection and the combating of cyber bullying.

7 MONITORING AND EVALUATION

There should be the incorporation of a children empowerment perspective into the monitoring and evaluation processes. This will be done in close collaboration with the departmental Strategic Planning and Monitoring Chief Directorate and Shareholder Management Chief

Directorate and externally the Children's Rights Branch of the Ministry will be a collaborative partner.

This will be done in consultation with portfolio organizations and different business units or departments in the case of portfolio organizations. Workshops will be held with managers of different business units to solicit information, ideas and experiences with regards to Children Empowerment and what they deem critical for their respective unit to be monitored or evaluated as part of the monitoring process. The end result of the consultation should be an agreement that an Evidence-Based Monitoring and Evaluation tool should be applied. Close consultation will also be done with the Department for Women, Children and Persons with Disabilities, NGOs and civil society.

7.1 Role of Forum

The Forum would be set up as an advisory body to the Department that would primarily be a sounding board to evaluate progress against the milestones and targets set in the Strategy. The Forum would meet annually and develop an annual report on the Strategy implementation that would be a public document. The Department would be responsible for the coordination of the forum meetings and administrative support required by the Forum.

7.2 Role of DTSP

The Department should coordinate the implementation of the Strategy and to manage stakeholder participation in the Strategy process. The Department should provide funding for the implementation of the strategy and to work with the broader ICT Sector to support the implementation of the strategy.

7.3 Indicators

The Strategy should have clear indicators and in this regard the Department should work with organisations to develop these indicators to ensure that Strategy is measured and reviewed regularly to keep up with new technological trends and developments in the Children Sector.

7.4 Research and Development

7.4.1 Annual survey amongst stakeholders

The department is expected to respond to an annual survey conducted by the International Telecommunications Union on Child Online Protection and for this reason the department would also have conduct local surveys on the work of the department and other stakeholders in the area of child protection and empowerment in the ICT sector on an annual basis to gather up to date information to inform the programs to be conceptualized in implemented by the department and its state owned enterprises.

7.4.2 Key areas for further research

There are number of areas in the strategy such as the impact of postal services on children, access to financial services through ICTs and Cyber Bulling that requires extensive further

research hence the strategy proposes research in all these areas to be conducted to enhance the implementation of the strategy .

There is also a need for investigation into new technologies or software that can support the protection of children online and hence the matter of research into new technologies to consider possible development of such technologies is also encouraged

7.4.3 Research Partners

In regard to research and development the department will work with the following key partners on specific areas of research to enhance the strategy implementation.

The Centre for Crime Prevention and Justice, Film and Publication Board, the Youth Research Unit of the University of South Africa, The Department of Science and Technology specifically the CSIR and other relevant ICT industry role players or ICT companies that conduct research in the area of child protection and empowerment.

8 MARKETING AND COMMUNICATION

The Department should raise awareness of the issues relating to children and ICTs on all its platforms both internally and externally. There is a need to segment the marketing approaches according to age groups.

Partnerships with children's rights organisation should be encouraged in the implementation of the marketing and communication programs to support the Strategy implementation.

9 KEY CHALLENGES AND RECOMMENDATIONS

9.1 Challenges / Gaps Identified:

- ① Freedom of expression could have negative impact on the rights of the child i.e. visual impaired children are more vulnerable as it is more likely to be exposed to negative content through radio, music (content of songs/lyrics).
- ① Exploitation of children using services i.e. internet-chat rooms, cell phone –dating services.
- ① Licensing of service providers through the EC Act must be expedited especially those that were not previously expected to be licensed.
- ① Social consequences i.e. health – exposure radiation due to long hours of television viewing and impact on literacy and levels of education of children as the usage of short message services (sms) language is seemingly becoming a norm when writing formally.
- ① There is a general lack of awareness of children's rights amongst media workers and in the general public. This often come across in the way children issues are portrayed by the media
- ① Economic sustainability of media institutions threatens production. of relevant content for children
- ① No regulatory framework to ensure children's representative in media houses.
- ① Patronization of children by adults through children's media
- ① Understanding of and commitment to addressing important ethical issues that arise as and when children participate in media productions

- ① No dedicated funding for children's NGO's to provide guidance and support in the field of children's programming and how children are portrayed in media
- ① Difference between media produced for children and media produce by children. Both are important and necessary and should be of good quality. Encouragement and support should be provided to organizations that have the capacity and skills to facilitate the processes of children producing their own media
- ① There is tension between the right of children to participate and the right to be protected. Often the tradition of child protection has been stronger than the tradition that emphasizes children's agency and rights for self determination and personal expression. Both this rights should be carefully balanced and realized.
- ① Lack of promotion of cultural diversity in programmes production (format and content)
- ① Participation of vulnerable children i.e. children at homes, street children, children outside the schooling system
- ① Indigenous best practices should be promoted in local content
- ① Children are hardly seen or heard in the news.
- ① When children do feature they are represented in extremely limited roles. 1 in 4 are victims. There is a lack of diversity. Also children are often placed in stereotypical roles. In gender for example girl children shown in passive roles as victims. Boys are shown in active often more positive roles playing sport.
- ① Their voices views and opinions are seldom heard.
- ① Often the time slot for broadcasting children's programmes does not accommodate the child's availability to listen and view them
- ① Lack of local content
- ① Authenticity of children's voices
- ① Quality of production & programs There is a general lack in the quality of children's programming, including format and content that need to be addressed
- ① Better content on Television than radio.

9.1.1 Television Broadcasting:

- ① Freedom of expression has to balance with other rights.
- ① The watershed period raise concerns as children can still be accidentally be exposed to harmful content and it also does not solve the problem it merely minimizes the impact.
- ① The unintended consequences of television is the possibility of children being exposed to inappropriate and harmful content, therefore children must be educated to distinguish between reality and fiction as well as to understand what is harmful content and how to deal with accidental exposure to harmful content.
- ① The psychological consequences when a child is exposed to negative content accidentally during the "watershed" period.
- ① There is no alignment of relation between regulations for broadcasting and print media and as result print media can create and environment for exploitation of children.
- ① Films & Publications Act does not provide for the licensing of virtual operators.
- ① The biggest gap is the fact that children must have access to Broadcasting, Telecommunications in order to become well rounded adults.

- ① Children are more receptive to television and do not listen to radio as much as they watch television.
- ① Very few programmes produced by children are being broadcast by the electronic media in South Africa. Organizations that are involved in facilitating children media productions struggle to access air time to broadcast such programmes
- ① Programming:
 - Not enough children's programmes.
 - In limited languages (often English).
 - Insufficient local content.
 - Very little children's participation in content development.
- ① More media produced for specific range (0-6) than for other children.

9.1.2 Radio Broadcasting

- ① Depends on target market and can be area specific so the needs of children are often excluded from the program content and children are seldom used as participants on radio.
- ① Radio is an effective tool for education regardless of target market.
- ① Radio must be recognized as useful information tool for people (children) with visual impairment.

9.1.3 Mobile Content

- ① Only with proper education can the exploitation of children by usage of sms, mms and dating services provided via (not hosted on mobile phones) mobile phones such as "Mxit", "facebook" and "tweeter" be addressed, as there is no legal means available to do it.
- ① Regulation of interception of Communication & Provision of Communications-related Information Act, 2002 has been introduced but, this Act governs the right of law enforcement agencies to request mobile operators to intercept the content and information about the communication. It is not a piece of legislation that can be utilised by ordinary citizens such as a parent who want to intercept the content of his or her child's potentially harmful conversations.
- ① The biggest challenge in this area is the licensing of WASPS that provide the platform for potentially harmful content for children. Licensing in terms of EC ACT however only applicable in South Africa.
- ① There is Web nanny software available to block access to harmful sites and content.
- ① Operators don't have control over or the right to view personal content of users i.e. sending of pictures through MMS.
- ① Manufacturers should improve education to parents of children who purchase handsets on the features of equipment.

9.1.4 Print Media

- ① No alignment/ relationship between print and electronic media regulations and this needs to be clarified and investigated by ICASA.
- ① Advertising e.g. Cartoon next to explicit content in newspapers.

9.1.5 Access to Information Communication Technologies (ICTs)

- ① Limited access – availability, cost, ability to use
- ① Lack of Parental Guidance and awareness
- ① Limited access for children with disabilities.

9.1.6 Existing gaps in policy and regulatory environment:

- ① Lack of forums for safe and child friendly content based electronic communications, such as children's websites with free email accounts for children.
- ① Government should subsidise children's programming and access to electronic media content for children.
- ① Need to evaluate existing policies and regulatory structures with respect to empowering children in driving content and to protect children from harmful content
- ① International environment lags development of ICT sector, but positive international agreements eg. WSIS
- ① Key UN institution in UNICEF – convention on rights of the child needs to be considered in other international fora.
- ① Promote the implementation of international conventions and agreements and adapt national policy to be in line with the agreement and conventions and amend national policy where necessary
- ① Need for policy and regulatory framework for African Region on media and children
- ① No policy on children in ICT – eg. Internet content, cell phones – a policy to bind ICT sector in line with convergence.
- ① Broadcasting regulation could be used as a guide in developing regulation for the internet and other aspects of ICT
- ① Need to harmonise different pieces of legislation outside the broadcasting sector e.g. Film and publication Act, regulations and the code of conduct for broadcasters.
- ① Definition of Children in relation to age needs to be uniform across all legislative and regulatory frameworks for different electronic media.
- ① Pay TV licensees still need to develop their own code of conduct, which should be harmonised with the code of conduct applicable to free to air and public broadcasters.

9.2. Recommendations and Proposals for Change

- ① Raise awareness on the Electronic Communications Act especially amongst parents and children.
- ① Prioritisation of outcomes on WSIS especially the outcomes related to Internet Governance.
- ① Opportunity to create relationship between DTSP, DoE, DoH and DoSD on the development of an Action Plan on Combating the Unintended Consequences of ICTs on Children.
- ① Develop guidelines on "tips for parents" similar booklets to the one of the Film and Publication Board.
- ① Raise awareness on combating Child Pornography and Child Online Safety

- ① Using schools for education around media by including Media Literacy as part of the Curriculum i.e. Nepad e-schools project.
- ① Urgent need to address literacy and computer literacy universally.
- ① Creating access for children in rural under-served areas, utilising Multi Media Centres (MPCCs) operating on the PPPs principle.
- ① Strengthen institutional capacity and cooperation between agencies/bodies responsible for what type approval within ICT sector.
- ① Involvement of children in processes should be appropriately facilitated and supported.
- ① To promote the meaningful participation of children in the production of children's media. It is not uncommon to find media practitioners talking on behalf of children, making their own assumptions and on occasions even misrepresenting the child's perspective and context of a given situation as understood by the child
- ① Involvement of NGO's in setting the selection criteria for processes. However children should be also consulted when developing selection criteria for their participation in processes.
- ① Promote a culture of children's rights amongst the role players in the media environment
- ① A Clear policy formulation process must be defined with specific input from children themselves
- ① Facilitate capacity building and training on child centred methodologies and children's rights targeting adult facilitators and media workers

9.2.1 Policy and Regulatory Environment:

- ① Policy and implementation multi-stakeholder fora to resolve the problems around policy and implementation investigate the use of existing structures for this purpose.
- ① Regional, International or Multinational cooperation around the internet (support Internet Governance Forum and ITU/WSIS resolution to address Internet public policy issues).
- ① Implementation of policies and regulations across the ICT sector at international and national level and amendment where necessary of these policies to reflect a children's perspective.
- ① Awareness workshops for children and parents on participation/ representivity and policy formulation

9.3.1 The role of Broadcasters and Media:

Key to all areas is meaningful children's participation in all areas from production to programming and participation in policy

The following issues were raised with regard to the Public Broadcaster:

- ① Role of Public Broadcaster is it clearly understood by all? Need a basic definition of a public service broadcaster;
- ① Are they doing enough with regard to the promotion of children's programming especially local content?
- ① Does the content reflect the nation in its entirety and all children and relevant local content that children can identify with for example featuring children with disabilities and the scheduling of children's programs is it flighted at the right time?

- ① Is the broadcaster using suitable languages, and languages that are understandable to all?
- ① The broadcaster has a specific responsibility to promote social encouragement values and sense of responsibility amongst its citizens with special attention on children.
- ① Consider the concept of children specific funding for production and research.
- ① A system whereby meaningful children's participation is ensured in the production of programmes should be considered.
- ① Establishment of a funding model.
- ① The role and responsibility as well as obligation of community radio stations, should be emphasised. Community radio stations have an obligation to provide children's programmes.
- ① Criteria for application to MDDA for a children's programming fund should be developed and considered.
- ① Meaningful participation by children in scheduling formatting and content of programming
- ① Broadcasters should be obligated to have an education program on content broadcasted i.e. children must be educated to distinguish between reality and fiction especially scenes used in cartoons.
- ① Broadcasters need to consult children on programme format and content development
- ① To include discussion of media and children as part of the curriculum at schools. The DoE, FPB process to be revisited and revived.
- ① Using radio as an awareness tool on the unintended consequences of ICTs.
- ① There should be synergy on regulations for print media and broadcasting especially with regard to the protection of children's content.
- ① A program on media education for educators should be jointly introduced by DoE and DTSP.
- ① The importance to work not only with children when facilitating their participation in the media but also with the caregivers to ensure that they understand and buy into the processes Awareness camps for parents on the issues of children and media
- ① Children's, media houses, mobile operators must work with children when developing new products or content directed at children
- ① Children should not be exploited through their participation in media (guard against child labour)
- ① Broadcasters need to consult children on programme format and content development
- ① News need to represent children in all their diversity (not just about abuse).
- ① More programmes like "Kids News Room" should be promoted.
- ① Information packaging needs to be reviewed as it sends mix messages.
- ① A need for positive role models
- ① How children are presented in media needs to be reviewed
- ① To empower and enable children to produce their own media programmes through the facilitation and the support provided by skilful adult facilitators

9.3.1.1 Children's advertising

- ① Issues on misleading advertising need to be further addressed

- ① Certain products should not be directed to children in advertising: Regulatory authorities should consider outright bans on all alcohol, tobacco and diet products. Similarly issues relating to food high in sugar, fat and salt need to be considered;
- ① Ethical human rights driven guidelines to be formulated for children in advertising and ASASA need to be consulted.

9.4.1 Mobile Operators

- ① WASPS- and Mobile Operators has signed an MOU to use a specific number range to be used for adult content implementation and hopefully this agreement will minimize the impact of this content on children and restrict access by children to adult content. A process to monitor the implementation of this agreement must be put in place.
- ① Handset manufactures must be involved in process as the different features provided on the handset creates the environment for exploitation of children.
- ① WASPS must be licensed in terms of Electronic Communications Act and this must be prioritized by ICASA.

10 CONCLUSION

The Children and ICT Strategy is the first step on the part of the and Department to take steps to develop a comprehensive response towards promoting child online safety with explicit aim to of creating a more secure and safer online experience for children that ultimately will deliver significant national benefits for the country as the most vulnerable of our citizens would be protected from being exposed to harmful content.