MRC ASSESSMENT
NATIONAL CAPACITY BUILDING

International Centre™
FOR MISSING & EXPLOITED CHILDREN

MULTISECTORAL RESPONSES AND CAPACITIES ASSESSMENT (MRC)
South Africa

Joint and Coordinated Action for the Prevention, Investigation and Assistance to Victims of Online Sexual Exploitation and Abuse

May 2025

MULTISECTORAL RESPONSES AND CAPACITIES ASSESSMENT (MRC) South Africa

Joint and coordinated action for the prevention, investigation and assistance to victims of Online Child Sexual Exploitation and Abuse.

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National Capacity Building Program

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Acronyms

ACRWC – African Charter on the Rights and Welfare of the Child
ACT Africa – Awareness for Child Trafficking Africa
ACVV – Afrikaans Christian Women's Association
AI – Artificial Intelligence
AU – African Union
CBT – Cognitive-Behavioral Therapy
CCTV – Closed-Circuit Television
CMT – Case Management Tools
COP – Child Online Protection
CPD – Continuous Professional Development
CPR – National Child Protection Register
CRA – Child Rights Act
CSAM – Child Sexual Abuse Material
CSEA – Child Sexual Exploitation and Abuse
CSO – Child Sex Offender
CSO – Civil Society Organization
CSP – Correctional Sentence Plan
CWSA – Child Welfare South Africa
DBE – Department of Basic Education
DCDT – Department of Communications and Digital Technologies
DCS – Department of Correctional Services
DOJ&CD – Department of Justice and Constitutional Development
DSD – Department of Social Development
ECSP – Electronic Communications Service Providers
ECTA – Electronic Communications and Transactions Act 25 of 2002
FCS – Family Violence, Child Protection, and Sexual Offenses Units (SAPS)
FPB – Film and Publication Board
FSL – Forensic Science Laboratory
GBV – Gender-Based Violence
GBVCC – Gender-Based Violence Command Centre

ICACCOPS – Internet Crimes Against Children Child Online Protective Services
ICASA – Independent Communications Authority of South Africa
ICMEC – International Centre for Missing and Exploited Children
ICSE – International Child Sexual Exploitation
ICT – Information Communication Technology
ISP – Internet Service Providers
ISPA – Internet Service Providers' Association
IT – Information Technology
IWF – Internet Watch Foundation
LO – Life Orientation
MCSA – Missing Children South Africa
MDT – Multi-Disciplinary Teams
MMA – Media Monitoring Africa
MNR – Model National Response
NCMEC – National Centre for Missing and Exploited Children
NCPF – National Child Participation Framework
NCPR – National Child Protection Register
NDP – National Development Plan
NFN – National Freedom Network
NGO – Non-Governmental Organization
NICRO – National Institute for Crime Prevention and the Reintegration of Offenders
NMCP – Nelson Mandela Children's Parliament
NPA – National Prosecuting Authority
NPAC – National Plan of Action for Children 2019-2024
NRSO – National Register for Sex Offenders
OAS – Organization of American States
OCSEA – Online Child Sexual Exploitation and Abuse
OPSC – Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography

OSINT – Open-Source Intelligence
P2P – Peer to Peer
PCSA – Press Council of South Africa
POCA – The Prevention of Organized Crime Act 121 of 1998
POPIA – The Protection of Personal Information Act 4 of 2013
RJC – Restorative Justice Centre
SAJEI – The South African Judicial Education Institute
SALRC – South African Law Reform Commission
SANEF – South African National Editors' Forum
SAPS – South African Police Service
SDG – Sustainable Development Goals
SECI – Serial and Electronic Crimes Investigation (FCS-SAPS)
SGBV – Sexual and Gender-Based Violence
SOCA – NPA / Sexual Offenses and Community Affairs
SOTP – Sexual Offender Treatment Program
TCC – Thuthuzela Care Centres
TTBC – Teddy Bear Foundation
UN – United Nations
UNCRC – United Nations Convention on the Rights of the Child
UNISA – University of South Africa
UNTOC – United Nations Convention against Transnational Organized Crime
VEP – Victim Empowerment Programme
VFR – Victim-Friendly Rooms
VOD – Victim-Offender Dialogue
VOM – Victim-Offender Mediation
VPN – Virtual Private Network
VSF – Victim Support Fund
VSS – Victim Support Services Bill
YES – Youth Empowerment Scheme

About ICMEC

The International Centre for Missing and Exploited Children (ICMEC) is a non-governmental organisation that fights against child sexual exploitation and abuse (CSEA) and searches for missing children in the world. It is headquartered in Alexandria, Virginia, USA, with representation in Australia, Brazil, Colombia, Côte d'Ivoire, El Salvador, France, Guatemala, Honduras, India, Indonesia, Kenya, Scotland, Singapore, South Africa and The Philippines. Since its formation, it has worked hand in hand with governments, law enforcement, industry and civil society organisations in order to build institutional, legislative and public policy frameworks to protect children and adolescents against disappearance, abuse and sexual exploitation.

The work carried out by ICMEC in more than 120 countries has promoted, among other actions, the formation of local alliances for the implementation of policies for the eradication of sexual exploitation and the production of Child Sexual Abuse Material (CSAM).

These activities have been accompanied by entities such as the United Nations (UN), Interpol, the Organization of American States (OAS), and other multilateral organisations.

What is the MRC Assessment?

The problem of Child Sexual Exploitation and Abuse (CSEA) in the world represents a challenge for many countries that have institutional weaknesses to prevent, investigate, and care for child victims of this scourge. For this reason, in 2020, ICMEC's National Capacity Building Department created the "Multisectoral Response and Capacity Assessment" based on the capabilities of WeProtect's Model National Response (MNR) to identify these weaknesses and the corresponding recommendations to overcome them.

The assessment will support the State, society, and industry in order to harmonize the national response with the global strategic response promoted by WeProtect Global Alliance, in line with international best practices and approaches. This model is multisectoral in nature, since combating this problem must be based on comprehensive and complementary care from all institutions involved in the protection of children.

Introduction

Between August 2024 and February 2025, ICMEC carried out the "Multi-Sectoral Response and Capacity Assessment (MRC) for the prevention, investigation, and assistance for victims of Online Child Sexual Exploitation and Abuse" in South Africa. The objective of the research was to identify key findings, gaps and generate recommendations for South African´s actors allowing effective actions to prevent, identify and investigate CSEA in the digital environments.

The research was launched in the context of a higher number of reports of child sexual abuse materials registered in the last three years in the Republic of South Africa. According to the latest data provided by the National Center for Missing and Exploited Children (NCMEC) in the United States, cases of Child Sexual Abuse Material (CSAM) in South Africa increased significantly between 2021 and 2023. In 2021, 50,875 potential cases of online CSAM in South Africa were reported to the U.S. National Center for Missing and Exploited Children's Cybertipline. The Number has steadily increased with 82,398 cases reported in 2022 and 92, 959 cases in 2023.

Based on these challenges that every country around the world faces, the ICMEC National Capacity Building team worked hand in hand in the development of the final report. The methodology, based on the Model National Response (MNR) was created by the WeProtect Global Alliance. It included the development of specific tools to identify the entities from which the necessary information would be required to achieve the established objectives.

This report contains the results obtained with these tools. The main weaknesses detected in each of the 20 capacities contemplated by the WeProtect Model are also described, as well as the corresponding conclusions and recommendations.

Prevention of and Approach to Sexual Exploitation of Children and Adolescents
Model National Response (MNR)

WeProtect GLOBAL ALLIANCE

POLICY, LEGISLATION AND GOVERNANCE

1 Leadership
To have an accountable, cross-sectoral national body with a clear mandate and resources to protect Children and Adolescents from online Sexual Exploitation and Abuse, and a willingness to engage with other international actors

2 Legislation
To have an effective legal framework capable of prosecuting offenders and protecting children and adolescents from all forms of CSEA, in accordance with international Human Rights standards. Likewise, to have a legal provision to protect minors involved in the consensual exchange of sexual content from being criminalized, when appropriate.

Highest level national commitment to child sexual abuse prevention and response
Comprehensive understanding of child sexual abuse within the highest levels of government and law enforcement. Willingness to work with, and coordinate the efforts of, multiple stakeholders to ensure the enhanced protection of victims and an enhanced response to child sexual abuse offending.

CRIMINAL JUSTICE

3 Dedicated law enforcement
To have teams whose human and technical capabilities enable them to investigate CSEA both online and offline, including cross-border cases. They have trauma-informed training for law enforcement and good coordination with victim assistance services.

4 Judges and prosecutors
To have specialized training on CSEA whose cases are facilitated by means of technology. Tailored, victim-centered protocols are in place.

5 Offender management process
To have a multi-agency system to identify, manage, and rehabilitate sex offenders and legal tools (rehabilitation and education programs, community supervision).

6 Access to image database
To have a national database with access to INTERPOL's ICSE database for international collaboration, supported by alignment with the terminology for the categorization of CSAM

Effective and successful child sexual abuse investigations, convictions and offender management
Law enforcement and the judiciary possess the necessary knowledge, skills, systems, and tools that enable them to conduct victim-centered investigations and ensure positive judicial outcomes. CSEA offenders are managed and their recidivism is prevented.
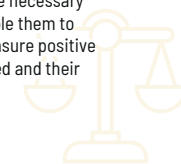
VICTIM PROTECTION AND EMPOWERMENT

7 Protection during the process
To provide planned, integrated, multi-stakeholder support to victims and survivors. Services are inclusive and sensitive to age, gender, sexuality, disability, and ethnicity.

Psychological support is also provided through law enforcement, front-line workers that have access to image databases, child protection workforce, and hotlines.

8 Child protection teams
To have available human talent that is specialized and trained, coordinated, and available to provide trauma-informed support to protect and support children and adolescents at risk of online CSEA. To have guidelines for front-line professionals on emerging and complex issues, such as "self-generated" CSAM.

9 Holistic reparation
Provide measures to enable child victims to receive accessible support in compensation, legal remedies, and grievance procedures.

10 Helpline
To have a helpline accessible to all children under the age of 18, nationwide, which is free of charge, available 24 hours a day, 7 days a week, by voice and text, offering confidential support and advice with appropriate referral mechanisms. Robust systems for data protection and counselors with specific training on online damages.

Appropriate support services for children and adolescents
Children and adolescents have access to services that support them through the investigation and prosecution of crimes committed against them. They have access to shelter, specialized medical and psychological services, rehabilitation, repatriation, and social reinsertion services.

SOCIETY AND CULTURE

11 Sexual exploitation and abuse hotline

To have a dedicated portal or reporting hotline for the public to report suspected cases of online CSEA. This line must work cooperatively with law enforcement and the technology industry.

12 Educational programs

To have a national education programme (including age- appropriate, accessible and inclusive content) to raise awareness awareness on all forms of CSEA, empowering children, adolescents, mothers, fathers, guardians, caregivers, and professionals with relevant information. Systematic training for professionals in the fields of education, social assistance, and health.

13 Participation from children

To develop scenarios where children and adolescents are encouraged and empowered to state ideas and to influence policies and practices related to CSEA. Child protection, child rights frameworks and trauma-informed practices are used in engaging them

14 Offender support systems

To have support programs in place to prevent persons with a sexual interest in minors under the age of 18 from abusing or accessing CSAM, Support for convicted offenders as part of the rehabilitation response, and specialized support for minors who display harmful sexual behaviors.

15 Ethical and informed publications

Sensitive, evidence-based reports and publications that respect the rights and dignity of victims and survivors.

Child sexual abuse prevented

Children and adolescents are informed and empowered to protect themselves from CSEA. Mothers, fathers, caregivers, teachers, and childcare professionals are better prepared to keep minors safe from CSEA, including addressing the taboos that revolve around sexual abuse.

PRIVATE SECTOR

16 Takedown procedures and reporting

To have procedures in place for local and timely removal and blocking of CSAM whenever a company confirms its presence. Legal protection for private sector entities to report CSEA, including the transmission of content to law enforcement and other appointed agencies. Global and cross-sectoral collaboration.

17 Development of innovative solutions

To create technological solutions to prevent and address online CSEA

18 Corporate social responsibility

Private sector entities have policies on child protection and safeguarding, due diligence, and remediation that address online CSEA.

Private sector committed to developing solutions to prevent and address child sexual abuse

The public can proactively report child sexual abuse crimes. The private sector has the power and willingness to block and remove online child sexual abuse materials and proactively address local child sexual abuse issues.
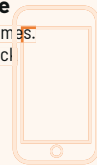
RESEARCH AND DATA

19 Data and research

To have data, research, and analyses on the threat and response to online CSEA. Robust administrative data systems (e.g., police, courts, social services) to monitor service delivery, access, and effectiveness, and to provide periodic information to decision makers.

20 Universal terminology

To report and possess clearly communicated policies that are aligned with international standards.

Awareness-raising among the public, professionals and policymakers

Potential future offenders are deterred. Child sexual abuse offending and reoffending is reduced.

Objectives

General

- Develop a reference framework for the construction of a strategic plan that allows ICMEC, the South African government, and other relevant actors to carry out the consolidation of a Model National Response (MNR) and guide a work plan based on the gaps found in the existing framework to combat online sexual abuse and exploitation.

Specific

- Identify the gaps in the national response for the prevention, investigation, and assistance to victims of child sexual abuse and exploitation in South Africa.
- Identify priority actions aimed at covering the identified gaps.
- Provide inputs for the development of an intersectoral work plan for the reinforcement of the national response to combat the abuse and sexual exploitation of children and adolescents online, based on the MNR.
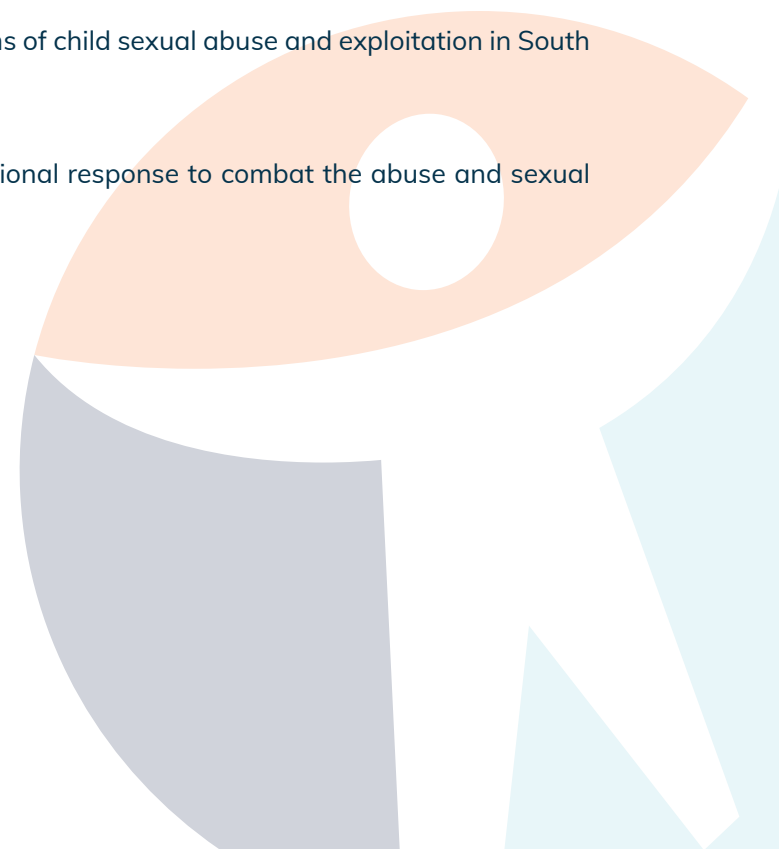
Participating Institutions

Sector 1 - Policy, Legislation and Governance
- Department of Basic Education (DBE)
- National Prosecuting Authority (NPA)

Sector 2 - Criminal Justice
- NPA / Sexual Offenses and Community Affairs (SOCA)
- South African Police Service (SAPS)
- SAPS - Family Violence, Child Protection and Sexual Exploitation (FSC) Unit
- SAPS - Serial and Electronic Crimes Investigation Unit
- National Institute for Crime Prevention and the Reintegration of Offenders (NICRO)

Sector 3 - Victim Support and Empowerment
- Missing Children South Africa (MCSA)
- Afrikaans Christian Women's Association (ACVV)
- University of Johannesburg / Department of Strategic Communication[1]
- Beacon of Hope
- Tears Foundation
- Jelly Beanz Foundation
- National Freedom Network (NFN)

Sector 4 - Society and Culture
- Awareness For Child Trafficking Africa (ACT Africa)
- National Institute for Crime Prevention and the Reintegration of Offenders (NICRO)
- National Freedom Network (NFN)
- Childline South Africa
- Teddy Bear Foundation (TTBC)
- Department of Basic Education (DBE)

Sector 5 - Industry
- Film and Publication Board (FPB)
- Internet Service Providers' Association (ISPA)
- Mweb

Sector 6 - Research and Data
- The Child Witness Institute
- University of Kwazulu-Natal / School of Social Sciences[2]
- University of South Africa (UNISA) / Bureau of Market Research, Youth Research Unit[3]
- ECPAT

1. https://www.uj.ac.za/members/prof-corne-davis/
2. https://sss.ukzn.ac.za/staff-profile/international-and-public-affairs/monique-emser/
3. https://bmr.co.za/research-units/youth-research-unit-home/contact-us/

Methodology

The methodology to carry out the MRC Assessment included the elaboration of a mapping of entities related to the protection of children against CSEA offline and online; as well as a series of instruments to collect information on the 20 capacities established in the MRC Assessment.

- Surveys to identify and evaluate the capacities of the entities according to their responsibilities. These were carried out directly with officials of each institution virtually.
- Specific requests for information to entities through video calls and emails.
- Search for information in open data sources.

Subsequently, the information collected was complemented with the resources available in open sources and analysed based on the MNR's four criteria:

1. Existence of a capacity in South Africa.
2. Level of capacity development based in the information collected (Poor, Acceptable or Outstanding).
3. Identification of the gap between what is proposed in the MNR and the level of capacity development in the country.
4. Potential actions that contribute to reducing the gaps detected based on what is proposed in the MNR.

Results

This section presents the results derived from the analysis of the information collected. For each capacity proposed by the MNR, the relevant aspects related to significant advances that contribute to the achievement of each of the capacities are presented, as well as the gaps evidenced and for which the MRC assessment later proposes its recommendations.

SECTOR 1: Policy, Legislation and Governance

OUTCOME

To attain the highest level of national commitment to child sexual abuse prevention and response:

Comprehensive understanding of child sexual abuse within the highest levels of government and law enforcement.

Willingness to work and coordinate multi-stakeholder efforts in order to ensure improved protection of victims and a better response to child sexual abuse crimes.

CAPACITY 1: Leadership

Each country should have an accountable, cross-sector national body with a clear mandate and resources to protect children from sexual exploitation and abuse online, and willingness to engage in international collaboration.

RELEVANT ASPECTS:

South Africa's approach to protecting children online involves multiple government entities, regulatory bodies, and policies, working together to strengthen legislation, enforcement, industry regulation, and stakeholder collaboration in combating Online Child Sexual Exploitation and Abuse (OCSEA). Below is a list of relevant entities and frameworks contributing to the overall protection of children online:

- National Department of Social Development (DSD): Under the authority of the Ministry of Social Development, the National Department of Social Development (DSD) is the primary policy-making body responsible for the supervision, planning, and coordination of child welfare activities in South Africa. The DSD collaborates with provincial departments of social development, non-governmental organizations (NGOs), and other stakeholders to implement the provisions of the Children's Act 38 of 2005, ensuring the protection and welfare of children. It also oversees the National Child Protection Register (CPR), which facilitates tracking of individuals found unsuitable to work with children. Additionally, the DSD plays a critical role in ensuring coordinated and effective child protection services, particularly through intersectoral mechanisms and partnerships at national, provincial, and local levels.[4]

- National Child Care and Protection Policy: DSD is the mandated authority to apply, manage, and oversee the National Child Care and Protection Policy (2019) which provides a formal intersectoral framework guiding coordinated actions by various stakeholders to prevent and manage child abuse, neglect, and exploitation in South Africa. This framework ensures a standardized, victim-centered, and multi-agency response to child protection concerns. The policy mandates that all government departments, including the Department of Justice, South African Police Service (SAPS), Department of Basic Education, and Department of Health,

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4. South Africa (2005) *Children's Act 38 of 2005*. Pretoria: Government Printer. Available at: https://www.gov.za/sites/default/files/gcis_document/201409/a38-053.pdf (Accessed: 13/08/2024).

work collaboratively to identify, report, investigate, and respond to cases of child abuse, neglect, and exploitation. Additionally, it calls for enhanced coordination mechanisms, monitoring systems, and quality assurance measures to strengthen child protection interventions.[5]

- However, South Africa does not currently have a dedicated national institution focused solely on creating public policies and coordinating national actions on the protection of children from sexual exploitation and abuse online. Instead, the responsibilities are distributed among the DSD, the Department of Communications and Digital Technologies (DCDT) and the Film and Publication Board (FPB).

National Level

- Department of Communications and Digital Technologies: The DCDT leads policy-making and national strategies for cybersecurity and online safety, including protecting children from online harm. Policies such as the Cybercrimes Act 19 of 2020 and the Films and Publications Amendment Act 11 of 2019 fall under its remit, addressing issues like child sexual abuse material (CSAM). It collaborates with key stakeholders (e.g., Department of Basic Education (DBE), UNICEF, Google, and the Film and Publication Board (FPB)) to roll out frameworks like the Online Safety Integrated Programme. Launched in September 2024, the Online Safety Integrated Programme is designed to be incorporated into the Life Orientation (LO) curriculum. It aims to equip learners and teachers with digital literacy and online safety skills, addressing cyberbullying, sexting, and online grooming.

The programme includes structured lessons tailored for different grade levels, ensuring a progressive approach to online safety education in schools. The DCDT also works with the Independent Communications Authority of South Africa (ICASA) and the FPB to coordinate actions with Internet Service Providers (ISPs), enforce compliance with national laws, and regulate digital safety measures.[6]

- Independent Communications Authority of South Africa: ICASA is the regulatory body for telecommunications, broadcasting, and postal services in South Africa. Established under the Independent Communications Authority of South Africa Act 13 of 2000 and the Electronic Communications Act 36 of 2005, ICASA collaborates with the DCDT to regulate ISPs, enforce policies, and implement provisions of the Cybercrimes Act, particularly those concerning Child Sexual Abuse Material (CSAM)[7]

- .Film and Publication Board: The FPB enforces the Films and Publications Amendment Act (2019), regulates online content, and combats CSAM through public education campaigns and collaboration with law enforcement agencies such as the SAPS Cybercrime Unit. It also engages in global initiatives like INHOPE, aimed at reporting and addressing CSAM.[8]

- Department of Justice and Constitutional Development: The DOJ&CD ensures that its domestic laws and policies such as the Cybercrimes Act (2020), align with constitutional rights and international standards, as outlined in frameworks like the Budapest Convention on Cybercrime, even though it has not ratified the Convention[9]. It also oversees victim-centered court processes for addressing Online Child Sexual Exploitation and Abuse (OCSEA).

5. South Africa. Department of Social Development (2019) *National Child Care and Protection Policy*. Available at: https://www.gov.za/sites/default/files/gcis_document/202102/national-child-care-and-protection-policy.pdf (Accessed: 13/08/2024).
6. South Africa (2020) *Cybercrimes Act 19 of 2020*. Pretoria: Government Printer. Available at: https://www.gov.za/sites/default/files/gcis_document/202106/44651gon324.pdf (Accessed: 13/08/2024).
7. South Africa (2000) *Independent Communications Authority of South Africa Act 13 of 2000*. Pretoria: Government Printer. Available at: https://www.gov.za/sites/default/files/gcis_document/201409/13000.pdf (Accessed: 13/08/2024).
8. South Africa (2019) *Films and Publications Amendment Act 11 of 2019*. Pretoria: Government Printer. Available at: https://www.gov.za/sites/default/files/gcis_document/201910/42743gon1292.pdf (Accessed: 13/08/2024). 9 Council of Europe (2001) *Budapest Convention on Cybercrime*, https://www.coe.int (Accessed: 20/11/2024)
9. Council of Europe (2001) *Budapest Convention on Cybercrime*, https://www.coe.int (Accessed: 20/11/2024)

- South African Law Reform Commission: The SALRC conducts research and recommends legal reforms to strengthen child protection laws, including those addressing online safety.

Provincial Level

- Provincial Departments of Social Development: The DSD ensures the implementation of broader child protection frameworks under the Children's Act (2005). While not specifically focused on Internet safety, it collaborates with stakeholders to address OCSEA within the broader child protection framework.
- While no dedicated provincial body focuses solely on implementing Internet safety policies for children, provincial departments of social development, local SAPS units, such as the Family Violence, Child Protection, and Sexual Offenses (FCS) Units, and the National Prosecuting Authority (NPA) oversee the enforcement of national laws and frameworks related to OCSEA.

CAPACITY 2: Legislation

Each country should have a comprehensive and effective legal framework to prosecute offenders and protect children from all forms of sexual exploitation and abuse in line with international human rights standards; and a legal provision to protect children engaged in consensual sharing of sexual content from criminalisation where appropriate.

RELEVANT ASPECTS:

International Conventions ratified by South Africa related to children's rights, the prevention of CSEA, and the investigation of Cybercrime, are:

Conventions on CSEA

- **United Nations Convention on the Rights of the Child (UNCRC)**
  Relevance: Article 34 obliges signatories to protect children from all forms of sexual exploitation and abuse. Article 19 mandates measures to protect children from violence, abuse, and exploitation.

- **Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (OPSC)**
  Relevance: Specifically addresses the criminalization of offenses involving child sexual exploitation, including the production, distribution, and possession of child sexual abuse material (CSAM).

- **Internation Labour Organization Convention No. 182 on the Worst Forms of Child Labour**
  Relevance: Identifies child prostitution and child pornography as the worst forms of child labor. Obliges member states to take immediate measures to eliminate such practices.

- **African Charter on the Rights and Welfare of the Child (ACRWC)**
  Relevance: Article 27 explicitly prohibits child sexual exploitation and obliges member states to prevent the use of children in pornographic activities.

- **Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (1993 Hague Adoption Convention)**
  Relevance: International treaty designed to protect children involved in intercountry adoptions from abduction, sale, or trafficking. It establishes standards and procedures to ensure that

such adoptions are conducted in the best interests of the child and with respect for their fundamental rights.

- **African Youth Charter (2006)**
  Relevance: Article 15 of the Charter specifically obligates states to protect youth from all forms of abuse and exploitation, including sexual exploitation, human trafficking and forced labor.

- **Palermo Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children)**
  Relevance: Addresses trafficking for sexual exploitation, including the use of children in CSAM production and distribution. Encourages international collaboration to combat trafficking and exploitation.

Conventions on Cybercrime Investigation

- **Budapest Convention on Cybercrime**
  Relevance: Although South Africa has signed but not ratified this convention, its provisions influence domestic laws like the Cybercrimes Act (2020). The convention provides a framework for international cooperation in investigating cybercrimes, including CSAM-related offenses.

- **UN Convention against Transnational Organized Crime (UNTOC)**
  Relevance: Facilitates international cooperation in combating organized crime, including cybercrime. Supports mutual legal assistance for cybercrime investigations.

- **Commonwealth Cyber Declaration**
  Relevance: Though not legally binding, South Africa supports principles for promoting cybersecurity and combating cybercrime within the Commonwealth.

South Africa is also a member of the International Telecommunications Union and is guided by the union guidelines on Child Online Protection (COP). At the national level, South Africa has a strong legal framework addressing child sexual abuse and exploitation (CSEA), both offline and online. The country has made significant strides in aligning its laws with international human rights standards.

Legislative Framework

- *Constitution of the Republic of South Africa, 1996*[10]: is the supreme law of the country and provides a legal framework for the protection of children from Child Sexual Exploitation and Abuse (CSEA). It guarantees children's rights, mandates state protection, and upholds their dignity and well-being. More specifically:

  ◦ Definition of a child: Section 28(3) identify a child as any person under 18 years. This definition is constant across the different national legislation.
  ◦ Protection from exploitation and abuse: Section 28(1)(d) protects children from maltreatment, neglect, abuse, and degradation. Section 28(1)(e)-(f) prohibits child labor and detention, except as a last resort.
  ◦ Right to dignity and freedom from harm: Section 10 mention every person has the right to dignity, including protection from sexual exploitation. Section 14 guarantees privacy rights. These provisions are crucial in the context of OCSEA, as they protect the confidentiality of personal communications and data. Unauthorized access to or distribution of a child's private information or images constitutes a violation of this constitutional right which are critical in OCSEA cases.
  ◦ Equality and non-discrimination: Section 9 prohibits unfair discrimination, reinforcing protection against gender-based and sexual violence.

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10.   South Africa (1996) *Constitution of the Republic of South Africa, 1996*. Pretoria: Government Printer. Available at: https://www.justice.gov.za/legislation/constitution/SAConstitution-web-eng.pdf (Accessed: 13/08/2024).

- State's obligation to protect children: Section 7(2) mention the state must respect, protect, and fulfill the rights in the Bill of Rights, ensuring enforcement of laws against CSEA.

- *Criminal Law (Sexual Offences and related matters) amendment Act 32 of 2007*[11] (in operation since 16 December 2007) as recently amended as from 31 July 2022: offer comprehensive legislation addressing sexual offenses, including those involving children. Defines offenses like sexual grooming, exploitation of children, and trafficking for sexual purposes. Provides for the National Register for Sex Offenders (NRSO) to track offenders. More specifically:

  - Age of sexual consent: According to Section 15 of this Act, it is an offence, termed "statutory rape" for any person to engage in an act of sexual penetration with a child aged 12 years or older but under 16 years, even if the child consents. Similarly, Section 16 addresses "statutory sexual assault" criminalizing acts of sexual violation with a child within the same age bracket. However, the law includes a close-in-age exemption, allowing consensual sexual activities between peers. It's important to note that children under 12 are legally incapable of consenting to any sexual act; thus, any sexual activity involving a child under 12 is considered rape or sexual assault, regardless of purported consent.

  - Definition of child sexual abuse: The Act defines sexual offenses involving children, including the sexual exploitation of children, sexual grooming, and the production, distribution, and possession of child pornography (the terminology "child sexual abuse material" or CSAM as not yet been amended into the law).

  - Prohibition of child pornography (CSAM): Section 19 prohibits the use, procurement, or offering of a child for purposes of creating child pornography. Section 20 criminalizes the possession, distribution, and production of child pornography (CSAM).

  - Sexual grooming: Section 18 specifically criminalizes grooming children for sexual purposes, including through online platforms or other communication means.

  - Sexual exploitation of children: Section 17 criminalizes the sexual exploitation of children, including the use of children in sexual activities in exchange for money, goods, or other benefits. This could include offenses committed by individuals engaging in or facilitating child sexual exploitation in the context of sex tourism.

  - Mandatory reporting: Section 54 mandates the reporting of suspected sexual offenses against children. Failure to report such offenses is a punishable offense.

  - Trafficking for sexual purposes: The Act includes provisions criminalizing the trafficking of children for sexual exploitation under Section 71, ensuring alignment with international protocols on trafficking.

  - Amendments effective 31 July 2022: Recent amendments expanded protections to ensure compliance with evolving international standards on child protection. These include enhanced penalties for offenders and updated definitions to include digital forms of exploitation.

- The Criminal Procedure Act, 51 of 1977[12]: enhances child protection during court proceedings by implementing protective measures for child victims and witnesses, to reduce trauma and ensure a child-sensitive judicial process. More specifically:

  - Protection of child witnesses: Section 153(3) provides for the exclusion of the public during trials involving sexual offenses, ensuring child victims or witnesses are protected from undue

11.   South Africa (2007) Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007. Pretoria: Government Printer. Available at: https://www.justice.gov.za (Accessed: 13/08/2024).
       South Africa (2022) Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007 as Amended on 31 July 2022. Pretoria: Government Printer. Available at: https://www.justice.gov.za (Accessed: 13/08/2024).
12.   South Africa (1977) Criminal Procedure Act, 51 of 1977. Pretoria: Government Printer. Available at: https://www.justice.gov.za (Accessed: 13/08/2024).

public exposure and secondary trauma. Section 154(3) prohibits the publication of information that may reveal the identity of child victims or witnesses in sexual offense cases, safeguarding their privacy and dignity.

- ◦ Testimony of children: Section 170A allows for the appointment of an intermediary to assist child witnesses in giving evidence in a manner that reduces trauma. The use of intermediaries is particularly relevant in CSEA cases, ensuring the child's testimony is conveyed effectively without direct confrontation with the accused. Provisions also allow for video or audio testimony to prevent the child from being physically present in court.

- ◦ Bail provisions: The Act imposes strict conditions for granting bail in cases involving serious sexual offenses, including CSEA. Courts must consider the safety and welfare of child victims when making bail decisions, as per Section 60.

- ◦ Sentencing considerations: Section 276 emphasizes that sentences for sexual offenses involving children should reflect the seriousness of the crime, including deterrent penalties for offenders convicted of CSEA-related crimes.

- ◦ Child-friendly procedures: Section 191 allows for special care in handling cases involving children to ensure proceedings are conducted in a child-sensitive manner, respecting their developmental needs.

- • *Children's Act (Act 38 of 2005)*[13] : the Children's Act is instrumental in addressing CSEA by emphasizing prevention, reporting, and victim support mechanisms. Its focus on early intervention, maintaining the Child Protection Register, and prioritizing the child's best interests. More specifically:

- ◦ Best interests of the child: Section 7 establishes the best interests of the child as the paramount consideration in all matters involving children. This principle is particularly significant in cases of CSEA, ensuring that all decisions prioritize the child's welfare and protection.

- ◦ Prohibition of exploitation: Section 141 prohibits the exploitation of children in the context of adoption, trafficking, and sexual exploitation, ensuring a legal framework to prevent abuse and exploitation in these contexts.

- ◦ Child protection register: Part B of the Act mandates the maintenance of the National Child Protection Register (CPR), which records individuals found unsuitable to work with children due to involvement in sexual exploitation, abuse, or related offenses. The CPR acts as a tool to prevent further access to children by such individuals.

- ◦ Prevention and early intervention: Chapter 8 promotes early intervention services to identify and mitigate risks of sexual exploitation and abuse. These services include counseling, community education, and referral systems to protect vulnerable children.

- ◦ Trafficking of children: Section 284 criminalizes the trafficking of children for any purpose, including sexual exploitation, and establishes provisions for the rescue, rehabilitation, and reintegration of victims.

- ◦ Reporting of abuse: Section 110 mandates mandatory reporting of child abuse or neglect by professionals, such as teachers, doctors, and social workers, to designated child protection organizations or the Department of Social Development. This includes cases of sexual exploitation.

- ◦ Parental responsibilities and protection orders: The Act enables courts to issue protection orders for children at risk of sexual exploitation or abuse, ensuring their safety and well-being.

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13.   South Africa (2005) *Children's Act, 38 of 2005*. Pretoria: Government Printer. Available at: https://www.justice.gov.za (Accessed: 13/08/2024).

These orders may restrict contact with a harmful individual or place the child under alternative care, if necessary (i.e. cases when a child is abused by a parent, family member, or legal guardian). However, where it is safe and appropriate, the Act ensures that parents or legal guardians can still exercise their parental responsibilities, such as providing care, maintaining contact, and making decisions in the child's best interests.

- *Child Justice Act (Act 75 of 2008)*[14]: establishes a separate justice system for children in conflict with the law, balancing accountability with the need for rehabilitation and reintegration. While primarily focused on child offenders, the Act includes provisions that intersect with Child Sexual Exploitation and Abuse (CSEA), particularly in the context of safeguarding child victims and preventing their re-victimization. More specifically:

  ◦ Focus on child-friendly procedures: The Act introduces child-friendly justice procedures to ensure that children involved in legal proceedings, whether as offenders or victims, are treated with dignity and respect. This is particularly relevant for child victims of CSEA.

  ◦ Diversion of child offenders: Sections 41–62 establish mechanisms for diversion programs, allowing children accused of minor offenses (including cases where legal technicalities result in criminal charges for consensual acts between peers) to avoid formal criminal proceedings. These provisions are crucial for ensuring that children involved in consensual sexting or non-exploitative acts are not criminalized.

  ◦ Sentencing and rehabilitation: The Act emphasizes rehabilitation over punitive measures for children, including those accused of sexual offenses. Sentences are tailored to prioritize the child's reintegration into society, with mandatory

participation in education, counseling, or therapy where appropriate.

  ◦ Restorative justice principles: Section 51 promotes restorative justice approaches, particularly in cases involving harm to other children. This allows for victim-offender mediation, which may apply in cases where both parties are children.

  ◦ Best interests of the child: Section 2 outlines the overarching principle that all decisions and actions must be guided by the best interests of the child, whether the child is a victim, offender, or witness.

  ◦ Accountability for CSEA offenders: For children involved in sexual exploitation or abuse as offenders, the Act provides for age-appropriate accountability measures. It balances the need to hold offenders accountable with rehabilitation efforts to address the underlying causes of their behavior.

  ◦ Protecting victims in legal processes: Sections 63–66 provide for protection measures during legal proceedings, including the use of intermediaries and closed courts to ensure child victims of CSEA are not further traumatized.

- *Prevention and Combating of Trafficking in Persons Act 7 of 2013*[15] as of 9 August 2015: Criminalizes human trafficking, including trafficking for sexual exploitation involving children. The Act aligns with international standards such as the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol), and ensures that South Africa fulfills its obligations under global anti-trafficking frameworks. More specifically:

  ◦ Definition of trafficking: Section 1 defines trafficking broadly to include the recruitment, transportation, transfer, harboring, or receipt of persons, including children, for exploitation.

14.   South Africa (2008) Child Justice Act, 75 of 2008. Pretoria: Government Printer. Available at: https://www.justice.gov.za (Accessed: 13/08/2024).
15.   South Africa (2013) Prevention and Combating of Trafficking in Persons Act, 7 of 2013, Pretoria: Government Printer. Available at: https://www.justice.gov.za (Accessed: 13/08/2024).

Exploitation includes sexual exploitation, forced labor, and other forms of abuse.

- Trafficking of children: Section 4 explicitly criminalizes the trafficking of children, regardless of whether coercion, deception, or force was used, recognizing the vulnerability of children. The section imposes harsher penalties for trafficking offenses involving children.
- Extraterritorial jurisdiction: Section 11 grants South African courts the authority to prosecute trafficking offenses committed outside the country, ensuring that South African nationals and residents involved in child sex trafficking abroad can be held accountable.
- Penalties: Section 13 outlines severe penalties for trafficking offenses, including life imprisonment for those convicted of trafficking children for sexual exploitation.
- Prevention and awareness: Section 40 mandates public awareness campaigns to educate communities about trafficking risks, with a focus on vulnerable groups, including children.

- Protection of victims: Chapter 6 includes provisions for the protection, rehabilitation, and reintegration of child victims of trafficking. This includes access to shelters, medical care, psychological support, and legal assistance. The Act explicitly recognizes that children involved in trafficking-related offenses due to coercion or exploitation are safeguarded from criminal liability, ensuring a victim-centered approach to their recovery.

- Mandatory reporting: Section 18 imposes a duty on individuals, including professionals such as educators and healthcare providers, to report suspected cases of trafficking to the authorities, emphasizing the protection of children at risk.

- Collaboration and coordination: The Act establishes mechanisms for intersectoral collaboration, ensuring that government departments, law enforcement agencies, and NGOs work together to combat trafficking effectively.

- The Prevention of Organized Crime Act (POCA), 121 of 1998[16]: is a key piece of legislation in South Africa aimed at combating organized crime, including activities related to child protection and CSEA (offline and online) by targeting organized crime networks involved in human trafficking, sexual exploitation, and the distribution of child sexual abuse material (CSAM). It provides tools such as asset forfeiture and prosecution to disrupt criminal enterprises that exploit children. More specifically:

- Definition of organized crime: POCA defines organized crime broadly to include any criminal activity conducted by a group or syndicate with the intent to profit from illegal activities, including trafficking, exploitation, and the production or distribution of CSAM.
- Criminalizing participation in criminal enterprises: Section 2 criminalizes direct or indirect participation in criminal enterprises, including syndicates that exploit children for sexual purposes. This includes facilitators, recruiters, and those benefitting financially from such activities.
- Asset forfeiture: Chapter 5 and Chapter 6 of POCA allow for civil and criminal asset forfeiture of property or proceeds derived from organized criminal activities, including crimes involving CSEA. This ensures that individuals or groups profiting from child exploitation lose any financial benefits.
- Racketeering offenses: Section 2(1) addresses racketeering, where offenders are prosecuted for being part of a criminal enterprise involved in multiple offenses, including trafficking or exploitation of children.

16.   South Africa (1998) Prevention of Organized Crime Act, 121 of 1998 (POCA). Pretoria: Government Printer. Available at: https://www.justice.gov.za (Accessed: 13/08/2024)

- Trafficking and exploitation: While POCA does not specifically address trafficking, its provisions complement laws such as the Prevention and Combating of Trafficking in Persons Act, 7 of 2013, by enabling the prosecution of organized groups involved in trafficking children for sexual exploitation.
- Penalties: POCA imposes severe penalties for organized crime offenses, including lengthy prison sentences and fines, which can be applied in cases involving the organized exploitation of children.
- Money laundering: POCA criminalizes money laundering, a common practice among criminal networks profiting from CSEA-related activities. This provision ensures that funds generated from the exploitation of children can be tracked, seized, and forfeited.
- Protection of victims and witnesses: POCA includes provisions to protect witnesses and victims involved in cases of organized crime, ensuring their safety during investigations and trials. This is particularly relevant for child victims who may testify against organized criminal networks.

- *Cybercrimes Act 19 of 2020[17] as from 1 December 2021:* Criminalizes the production, possession, and distribution of child sexual abuse material (CSAM). The Act provides a comprehensive legal framework for addressing cyber-related crimes in South Africa, including offenses that facilitate CSEA and criminalizes various cyber activities that exploit children and aligns with international standards for combating online exploitation and abuse. More specifically:

  - Criminalization of cyber-enabled sexual exploitation: Section 16 specifically criminalizes the distribution, production, and possession of child sexual abuse material (CSAM) via electronic communications systems. This section criminalizes the non-consensual sharing of intimate images, commonly referred to as "revenge pornography." It is particularly relevant to CSEA, as it provides legal grounds to prosecute individuals who distribute intimate images of minors without consent, thereby protecting children from such exploitation.

  - Harmful communication: Section 14 prohibits the sending of harmful or unlawful communications, which includes distributing sexual images of children without consent or using digital platforms to groom or exploit minors.

  - Online grooming: While not explicitly named as "grooming," the Act criminalizes behaviors that involve using electronic communication to coerce, intimidate, or facilitate sexual exploitation of children.

  - Obligations for Electronic Communications Service Providers (ECSP): Section 54 imposes a legal obligation on Internet Service Providers (ISPs) and other electronic communications providers to report any instances of CSAM detected on their platforms and take reasonable steps to prevent the dissemination of such material. Failure to comply with these obligations can result in severe penalties for service providers.

  - Jurisdiction and international cooperation: Section 42 grants South African courts jurisdiction over cybercrimes committed outside the country if the offender is a South African citizen or resident and/or the offense impacts South African citizens, including children. The Act facilitates international collaboration in combating cyber-enabled CSEA through partnerships with entities like Interpol.

  - Victim-centric provisions: The Act includes measures to protect child victims of cybercrimes by ensuring their rights and privacy are safeguarded during investigations and prosecutions. It

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17.   South Africa (2020) Cybercrimes Act, 19 of 2020. Pretoria: Government Printer. Available at: https://www.gov.za/documents/acts/cybercrimes-act-19-2020-english-afrikaans-01-jun-2021 (Accessed: 13/08/2024).

provides for the removal of harmful content involving children from digital platforms.

- ◦ Penalties: Severe penalties, including imprisonment and fines, are prescribed for offenses involving CSAM, online grooming, and the distribution of harmful material to or involving children.

- *Films and Publications Amendment Act 11 of 2019*[18]: significantly enhances South Africa's legal framework to address OCSEA. This Act amends the Films and Publications Act 65 of 1996, introducing provisions that specifically target the creation, possession, and distribution of child sexual abuse material (CSAM) in the digital realm. It also regulates online content, including measures to classify and restrict harmful content. Requires content providers to ensure mechanisms for reporting harmful content, including CSAM. Mandates age-appropriate guidelines and proactive content moderation. More specifically:

  - ◦ Definition alignment: The Amendment Act aligns the definition of "child pornography" with that in the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007, ensuring consistency across legislation.
  - ◦ *Specific sections addressing OCSEA - Section 24C*: This section criminalizes the creation, possession, and distribution of private sexual photographs and films without consent, which includes CSAM. Section 24E: Mandates that ISPs must remove or disable access to prohibited content upon becoming aware of its existence on their platforms.
  - ◦ Regulation of online content: The Act extends its regulatory scope to include the online distribution of films, games, and publications, thereby encompassing digital content that may involve CSAM.
  - ◦ Obligations of Internet Service Providers (ISPs): ISPs are

mandated to take reasonable steps to prevent the use of their services for hosting or distributing prohibited content, including CSAM. They are required to report the presence of such content to the Film and Publication Board (FPB) or law enforcement agencies.

- ◦ Penalties for non-compliance: The Act introduces stringent penalties for individuals and entities that fail to comply with its provisions, particularly concerning the distribution of CSAM.

- *The Protection of Personal Information Act 4 of 2013*[19] (POPIA): establishes a comprehensive framework for safeguarding personal information processed by public and private entities in South Africa. While POPIA is not exclusively focused on Child Sexual Exploitation and Abuse (CSEA), its provisions play a crucial role in protecting children's personal information, thereby contributing to broader child protection efforts. More specifically:

  - ◦ Processing of children's personal information: Section 34 prohibits the processing of personal information concerning a child, except under specific circumstances, such as with prior consent from a competent person (e.g., a parent or guardian), or if the processing is necessary for the establishment, exercise, or defense of a right or obligation in law.
  - ◦ Conditions for lawful processing: Section 8 mandates that the responsible party must ensure compliance with the conditions for lawful processing, which include accountability, processing limitation, purpose specification, further processing limitation, information quality, openness, security safeguards, and data subject participation.
  - ◦ Security safeguards: Section 19 requires responsible parties to implement appropriate technical and organizational measures to prevent loss, damage, or unauthorized access to personal information. This is particularly pertinent in preventing

18.   South Africa (2019) Films and Publications Amendment Act, 11 of 2019. Pretoria: Government Printer. Available at: https://www.gov.za/documents/acts/films-and-publications-amendment-act-11-2019-english-afrikaans-03-oct-2019
19.   South Africa (2013) Protection of Personal Information Act, 4 of 2013. Pretoria: Government Printer. Available at: https://www.gov.za/documents/protection-personal-information-act (Accessed: 13/08/2024). (Accessed: 13/08/2024)

unauthorized access to children's personal data that could be exploited.

- ◦ Notification of security compromises: Section 22 obligates responsible parties to notify the Information Regulator and affected data subjects upon detecting a security compromise. Prompt notification can mitigate potential harm arising from breaches involving children's personal information.

- ◦ Role of the Information Regulator: Chapter 5 establishes the Information Regulator, tasked with monitoring and enforcing compliance with POPIA. The Regulator's duties include handling complaints, conducting investigations, and facilitating public awareness, all of which contribute to the protection of personal information, including that of children.

- *The Basic Conditions of Employment Act 75 of 1997*[20] (BCEA): establishes fundamental employment standards in South Africa, including specific provisions aimed at protecting children from labor exploitation. While the Act primarily addresses general employment conditions, Chapter Six is dedicated to the prohibition of child labor and forced labor, which is pertinent to safeguarding children against exploitation, including sexual exploitation and abuse (CSEA). More specifically:

  - ◦ Prohibition of child labor: Section 43 prohibits the employment of children under the age of 15 years or who are under the minimum school-leaving age, if this is 15 or older. Prohibits employing children aged 15 to 18 in work that is inappropriate for their age or that places at risk their well-being, education, physical or mental health, or spiritual, moral, or social development. Violation of these provisions constitutes an offense.

  - ◦ Regulations on work by children: Section 44 empowers the Minister to make regulations prohibiting or placing conditions on the employment of children aged 15 and older who are no longer subject to compulsory schooling. Allows for regulations to give effect to South Africa's international obligations concerning child labor.

  - ◦ Medical examinations: Section 45 authorizes the Minister to make regulations regarding the conduct of medical examinations for children employed in circumstances permitted by the Act.

  - ◦ Prohibition of forced labor: Section 48 explicitly prohibits forced labor, stating that no person may, for their own benefit or that of someone else, cause, demand, or impose forced labor. Any contravention of this section is deemed an offense.

  - ◦ Evidence of age: Section 47 places the onus on the employer to ensure compliance with the age requirements, allowing for the demand of evidence of a child's age to ascertain adherence to the Act.

- *Electronic Communications and Transactions Act 25 of 2002*[21] (ECTA): while primarily focused on facilitating and regulating electronic communications and transactions in South Africa, includes specific provisions aimed at protecting children from online exploitation and abuse. More specifically:

  - ◦ Prohibition of unlawful content: Section 27 mandates suppliers to provide consumers with an opportunity to review the entire electronic transaction, correct any mistakes, and withdraw from the transaction before finalizing it. This consumer protection measure applies universally, including to minors, ensuring that all consumers have a fair chance to understand and consent to electronic transactions.

  - ◦ Protection of critical databases: Section 53 empowers the

20.   South Africa (1997) Basic Conditions of Employment Act, No. 75 of 1997. Pretoria: Government Printer. Available at: https://www.gov.za/sites/default/files/gcis_document/201409/a75-97.pdf (Accessed: 13/08/2024).
21.   South Africa (2002) Electronic Communications and Transactions Act, No. 25 of 2002. Pretoria: Government Printer. Available at: https://www.gov.za/documents/electronic-communications-and-transactions-act (Accessed: 13/08/2024).

Minister to declare certain databases as critical and to prescribe measures for their protection. This includes databases containing sensitive information related to children, thereby safeguarding such data from unauthorized access or misuse.

◦ Cybercrime offenses: Sections 86 and 87 criminalize unauthorized access to, interception of, or interference with data, as well as computer-related extortion, fraud, and forgery. These provisions are crucial for prosecuting offenses involving the exploitation of children through electronic means.

Victim Support Services Bill (2020)[22]

- The Victim Support Services (VSS) Bill, first introduced by the Department of Social Development in July 2020, seeks to address key gaps in the provision of victim support services in South Africa. By establishing a coordinated and adequately funded approach, the Bill aims to improve accessibility and sustainability, particularly for survivors of gender-based violence (GBV) and other violent crimes.

- In July 2020, the Department of Social Development published the Victim Support Services Bill for public comment. The primary focus was to establish a legal framework to uphold the rights of victims and ensure their recognition within the criminal justice system. This initiative is part of the broader efforts to combat gender-based violence and enhance victim-centered approaches in South Africa. The Bill aims to place victims at the center of the criminal justice process, ensuring their rights are recognized alongside those of perpetrators by:

  ◦ Preventing secondary victimization by ensuring services are trauma-informed and victim-centered.

  ◦ Clearly delineating the roles and responsibilities of service providers, including government departments, NGOs, and community organizations, in delivering victim support services.

  ◦ Strengthening coordination among stakeholders to create an integrated victim support framework.

- As of January 2025, the Bill has not yet been enacted into law. During a ministerial address, Social Development Minister Lindiwe Zulu announced that the Office of the State Law Adviser is finalizing instructions for resubmitting the Bill to Parliament for processing[23]. She emphasized the Bill's potential to transform the criminal justice system by ensuring the rights of survivors are prioritized and adequately supported.

22. Department of Social Development (2020) Victim Support Services Bill: Call for Public Comment.
    Available at: https://www.dsd.gov.za (Accessed: 24/11/2024).
23. Zulu, L. (2024) Ministerial Address on the Victim Support Services Bill. Speech delivered on 15 November 2024. Department of Social Development. Parliament of South Africa (2024)
    Updates on Pending Legislation: Victim Support Services Bill. Available at: https://www.parliament.gov.za (Accessed: 24/11/2024).

GAPS Sector 1: Policy, Legislation and Governance

Lack of Centralized Coordination and Implementation

- South Africa lacks a dedicated national institution to coordinate all aspects of child online protection, resulting in fragmented and uncoordinated efforts.

- While institutions like the FPB and DCDT hold relevant mandates, there is no single entity dedicated to holistic ISP coordination for OCSEA prevention and broader online safety measures.

- The National DSD oversees provincial DSD implementation regarding the protection and welfare of children's activities, but effectiveness varies, due to resource and capacity constraints, particularly in rural areas like Griekwastad in Northen Cape, Koster in North West, and parts of Limpopo & Eastern Cape (i.e. Lusikisiki), which require to be regionally tailored to enhance child protection services. These regions face issues such as severe shortages of trained social workers, limited availability of child protection services and insufficient law enforcement intervention in cases of child sexual exploitation.[24][25][26]

Gaps in Enforcement and Monitoring of the Cybercrime Act 19 of 2020

- There is no national system to assess the effectiveness of internet safety initiatives for children.

- There is no comprehensive national guideline for its enforcement, reporting mechanisms, or compliance by internet service providers (ISPs). There is no national guideline specifying how ISPs should detect, report, and prevent OCSEA-related crimes, leading to inconsistent enforcement.

- Oversight on ISP compliance in reporting and removing harmful online content remains underdeveloped.

Legislative and Policy Gaps

- Laws addressing online and offline CSEA are spread across multiple Acts, creating gaps in enforcement and consistency.

- Older laws, such as the Sexual Offences and Related Matters Act (2007), still use outdated terms like "child pornography", contradicting international guidelines like the Luxembourg Guidelines.

- Terms such as "sexual exploitation" and "abuse" are not consistently defined or applied, leading to gaps in interpretation and enforcement.

Limited Focus on Emerging Online Threats

- Existing structures primarily address general child protection but lack a specific and cohesive focus on protecting children online.

- Laws fail to clearly address consensual content exchange among minors ("Sexting"), leading to potential over-criminalization or legal ambiguity.

Gaps in International Cooperation and Cybercrime Legislation

- While South Africa has enacted the *Cybercrimes Act, 2020*, the non-ratification of the Budapest Convention on Cybercrime limits its ability to engage in efficient cross-border investigations, obtain digital evidence from international ISPs, and expedite the extradition of cybercriminals, impacting the prosecution of cybercrimes, including OCSEA offenses. The Malabo Convention on Cybersecurity has been signed but not ratified, also restricting South Africa's regional cybercrime collaboration.

24.   Department of Social Development (DSD) (2023). Nourishing SA Rural Child Protection Services Report. Pretoria: DSD. Available at: https://www.dsd.gov.za (Accessed: 28/08/2024).
25.   UNICEF South Africa (2024) Situation Analysis of Children in South Africa 2024. Pretoria: UNICEF. Available at: https://www.unicef.org/southafrica (Accessed: 21/02/2025).
26.   South African Law Reform Commission (SALRC) (2020) Landscape of Child Protection in South Africa. Pretoria: Government Printer. Available at: https://www.justice.gov.za/salrc/dpapers.htm (Accessed: 2/09/2024).

SECTOR 2: Criminal Justice

OUTCOME

Each country should have effective and successful child sexual exploitation and abuse investigations, convictions, and offender management. Law Enforcement and judiciary should have the knowledge, skills, systems, and tools required to enable them to perform victim-focused investigations and secure positive judicial outcomes. Child sexual abuse offenders should be managed, and reoffending prevented.

CAPACITY 3: Dedicated Law Enforcement

Human and technical capabilities to investigate CSEA and OCSEA, including cross-border cases, trauma-informed training for law enforcement and coordination with victim support services.

RELEVANT ASPECTS:

Law Enforcement Structure for CSEA Investigations

- The mandate for the formation of the police force in South Africa is established under the Constitution of the Republic of South Africa, 1996, specifically in Chapter 11, Section 205. This section outlines the establishment, structure, and functions of the South African Police Service (SAPS)[27].

- South Africa's approach to investigating CSEA, including online cases is primarily managed by specialized units within the South

African Police Service (SAPS). These units operate in coordination with the National Prosecuting Authority (NPA) and international law enforcement agencies.

- The Family Violence, Child Protection, and Sexual Offences (FCS) Unit is the primary unit responsible for investigating child sexual abuse, child exploitation, and trafficking. The FCS Unit operates under the Detective Service of the South African Police Service (SAPS) and is dedicated to addressing crimes involving family violence, child protection, and sexual offenses. These units are strategically located at cluster levels across all nine provinces, ensuring a nationwide presence. The FCS Unit comprises 176 units across the country, operating under the Detectives division, focusing on crimes such as sexual violence against children, human trafficking, and exploitation.

- The Serial and Electronic Crimes Investigation (SECI) Unit is a specialized division within FCS-SAPS, focusing on electronic crimes, including the production, possession, and distribution of Child Sexual Abuse Material (CSAM). Established in 2017, the SECI Unit operates within the FCS framework. SECI units are present at both national and provincial levels, enhancing the capacity to address complex cases involving digital evidence.

- Another key division is the Cybercrime and Digital Forensics Units, which were established under the Cybercrimes Act (2020). These units investigate online sexual exploitation, CSAM distribution, and digital crimes involving children, leveraging forensic analysis and collaborating with Interpol and other international organizations[28].

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27.   Constitution of the Republic of South Africa, 1996 (1996) Chapter 11: Security Services, Section 205 - Establishment and functions of South African Police Service. Available at: https://www.gov.za/documents/constitution-republic-south-africa-1996 (Accessed 20/11/2024).
      South African Police Service Act 68 of 1995 (1995) An Act to provide for the establishment, administration, powers, and functions of the South African Police Service. Republic of South Africa Government Gazette. Available at: https://www.saps.gov.za (Accessed 20/11/2024).
28.   Cybercrimes Act 19 of 2020 (2020) An Act providing legal frameworks for investigating and prosecuting cyber-related offenses, including online child exploitation. Republic of South Africa Government Gazette. Available at: https://www.justice.gov.za (Accessed 20/11/2024)

Coordination Between SAPS and NPA

- CSEA cases require cross-institutional collaboration between SAPS and the NPA. The FCS Unit leads investigations and works directly with the Sexual Offences and Community Affairs (SOCA) Unit within the NPA to build cases and prosecute offenders. For OCSEA cases, SAPS Cybercrime Units collect digital evidence, which is then processed by NPA cybercrime prosecutors to strengthen cases before trial. Additionally, the Thuthuzela Care Centres (TCCs), managed by the NPA, play a crucial role in providing a victim-centered approach, offering medical, psychological, and legal support to child victims of sexual offenses.

Reporting Mechanisms and International Partnerships

- Internationally, South Africa collaborates with Interpol and INHOPE for the detection and investigation of CSAM. However, the country does not have direct access to the NCMEC's CyberTip reports. Instead, NCMEC's CyberTip reports are relayed indirectly through Interpol and the U.S. Department of State before reaching SAPS's Cybercrime and Family Violence, Child Protection, and Sexual Offences (FCS) Units for investigation. This indirect process often results in delays in addressing CyberTips linked to potential offenders in South Africa.[29]

Training and Capacity Building

- South Africa Police Services do not have national standards that mandate minimum academic and professional qualifications specifically for personnel investigating CSEA cases. Entry-level officers must meet SAPS's general recruitment criteria, which require a Matric (Grade 12) qualification. Advanced positions, such as investigative officers, often require specialized training in child protection, victim support, and forensic interviewing. While a higher education degree is not mandatory, it is preferred for some roles.

- However, SAPS offers specialized training for officers handling offline and online CSEA cases, particularly within the FCS and Cybercrime Units. The FCS Unit provides training in child-friendly interviewing, forensic evidence handling, and trauma-sensitive victim support. Cybercrime Units receive training in digital forensics, tracking CSAM, and investigating online child exploitation cases.

Crime Statistics and Trends in CSEA Cases

- South Africa records a high volume of sexual offenses, with children being disproportionately affected. In 2022/2023, there were 53,900 sexual offenses reported, of which 80% involved rape. The number of crimes against children totaled 19,418, with rape accounting for 38.3% of all cases involving minors[30].

- The NCMEC CyberTipline reported 92,959 cases related to South Africa in 2023[31], indicating a growing concern over the presence of CSAM originating from South African users. Additionally, the Disrupting Harm Report (2022)[32] estimates that 7%–9% of internet-using children in South Africa have been subjected to OCSEA, further underscoring the urgency for enhanced law enforcement interventions.

29.   Disrupting Harm Report (2022) South Africa: Evidence on Online Child Sexual Exploitation and Abuse. ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
      ICMEC Report (2023) Child Protection and Global Response to Online Exploitation. International Centre for Missing & Exploited Children. Available at: https://www.icmec.org (Accessed 05/08/2024).
30.   SAPS Crime Statistics (2023) Annual Crime Report 2022/2023: Trends in Sexual Offences and Crimes Against Children. South African Police Service. Available at: https://www.saps.gov.za (Accessed 09/12/2024).
31.   National Center for Missing & Exploited Children (2023) CyberTipline Annual Review: Global Trends in CSAM Reporting. NCMEC. Available at: https://www.missingkids.org (Accessed 06/08/2024).
32.   Disrupting Harm Report (2022) South Africa: Evidence on Online Child Sexual Exploitation and Abuse. ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).

CAPACITY 4: Judiciary and Prosecutors

Specialist training on CSEA and OCSEA and technology-enabled offending, child-friendly and victim-centred protocols.

R E L E V A N T   A S P E C T S :

Specialized Prosecutors and Legal Oversight

- The NPA is responsible for prosecuting CSEA and OCSEA cases, including those facilitated through digital platforms. The Sexual Offences and Community Affairs (SOCA) Unit, established in 1999, focuses on gender-based violence, sexual offenses against children, and human trafficking[33].

- SOCA prosecutors assist with prosecutor-guided investigations, providing legal oversight to ensure that cases are legally sound before trial. However, the SAPS remains the primary investigative authority, conducting forensic and operational work in CSEA and OCSEA cases[34]. SOCA's mandate extends beyond prosecution, as it also oversees the Thuthuzela Care Centres (TCCs), which provide a multi-disciplinary, victim-centered approach to assisting victims of rape and sexual offenses, including child victims. The unit plays a key role in managing cases involving young offenders, prioritizing rehabilitation over incarceration when appropriate. Additionally, SOCA collaborates with specialized SAPS units, such as the SECI Unit and the FCS Unit, to prosecute online CSEA cases, recognizing the increasing prevalence of crimes facilitated by digital platforms[35].

Specialized Courts for CSEA Cases

- South Africa has established Sexual Offences Courts to streamline the judicial process for victims of sexual abuse and exploitation. A Sexual Offences Court (SOC) is a specialized regional court dedicated exclusively to handling cases related to sexual offences. A Hybrid Court is a regional court that handles both sexual offences cases and other criminal matters, incorporating specialized facilities and procedures to support victims of sexual offences while also addressing general criminal cases. These courts are equipped with child-friendly facilities, such as closed-circuit television (CCTV) systems, which allow children to testify without direct exposure to the accused[36]. There are currently 116 operational Sexual Offences Courts (SOCs) nationwide, handling both offline and online sexual crimes, including grooming and sextortion,distinct from Hybrid SOCs or courts handling sexual offences but not yet officially designated.[37]

- As shown in the table below, Gauteng, which accounts for 25.3% of South Africa's population, has only 13.8% of the Sexual Offences Courts (SOCs), indicating a lower per capita allocation. Similarly, KwaZulu-Natal, with 21.0% of the population, has 15.5% of SOCs, also reflecting a lower per capita distribution. In contrast, the Western Cape, which comprises 11.8% of the population, has 14.7% of SOCs, suggesting a higher per capita allocation. Northern Cape, despite having just 2.3% of the national population, holds 8.6% of SOCs, indicating a significantly higher per capita allocation.

33. National Prosecuting Authority Act 32 of 1998 (1998) An Act establishing the National Prosecuting Authority (NPA) and its Investigating Directorate (ID). Republic of South Africa Government Gazette. Available at: https://www.npa.gov.za (Accessed 04/12/2024).
34. National Prosecuting Authority (NPA) (2023) Mandate and Operational Guidelines for Prosecuting Sexual Offences Cases in South Africa. Available at: https://www.npa.gov.za (Accessed 05/12/2024).
35. Department of Justice and Constitutional Development (2023) Annual Report on Sexual Offences and the Justice System. South African Government. Available at: https://www.justice.gov.za (Accessed 05/12/2024).
36. Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (2007). Republic of South Africa Government Gazette No. 30599. Available at: https://www.justice.gov.za (Accessed 13/08/2024).
37. Teddy Bear Foundation Report (2024) Child-Friendly Justice: Enhancing Legal and Psychological Support for Child Victims in South Africa. Teddy Bear Foundation. Available at: https://www.ttbf.org.za (Accessed 04/12/2024).

- The distribution of Sexual Offences Courts (SOCs) is not strictly proportional to provincial populations. Provinces such as Gauteng and KwaZulu-Natal have fewer SOCs relative to their population sizes, whereas Northern Cape and Free State have more SOCs per capita. The allocation of Sexual Offences Courts (SOCs) in South Africa is influenced not only by population size but also by crime prevalence, geographical accessibility, resource availability, and historical policy decisions. Despite disparities in per capita distribution, the nationwide breakdown ensures strategic coverage across urban and rural areas, addressing regional demands for specialized judicial intervention.[37][38]
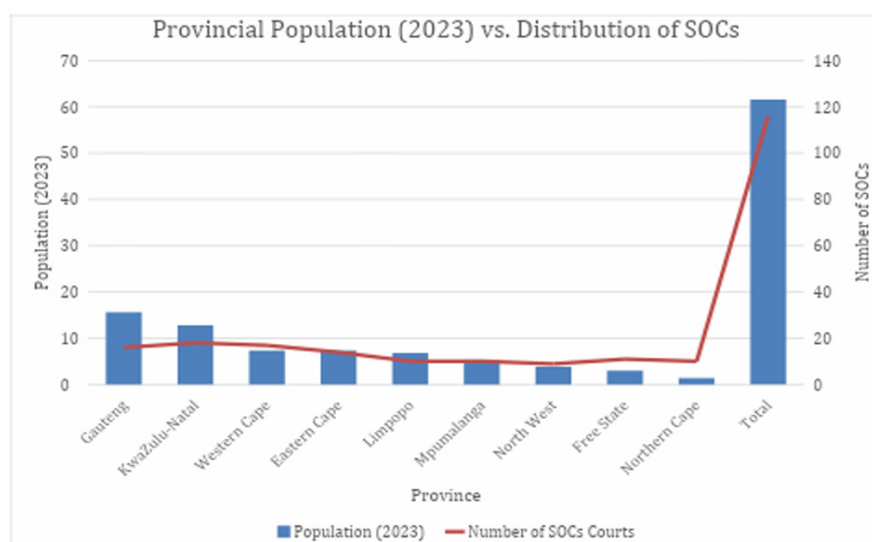
- In addition to Sexual Offences Courts, Children's Courts address child protection cases, including abuse and exploitation. However, these courts are not exclusively dedicated to sexual offenses. Lower and High Courts also adjudicate CSEA and OCSEA cases, ensuring that matters can be heard even in regions lacking specialized Sexual Offences Courts.

- Although the Cybercrimes Act (2020) criminalizes online grooming, Child Sexual Abuse Material (CSAM) distribution, and sextortion, the judiciary still faces barriers in processing digital evidence. Many rural courts lack forensic resources, making it difficult to handle complex OCSEA cases[42].

Victim Support and Psychological Services

- Victims of child sexual exploitation and abuse receive support through Thuthuzela Care Centres (TCCs), NGOs, and police-driven Victim Empowerment Services. However, gaps in accessibility persist, especially in rural areas. As of August 2024, 65 TCCs one-stop facilities are operational across South Africa, though they are primarily concentrated in urban centers[43]. The NPA is expanding its network of Thuthuzela Care Centres (TCCs) to address the increasing demand for victim support services, particularly in underserved areas. In the Free State province, where four TCCs are already operational, construction is underway for a new TCC at Elizabeth Ross Hospital in Phuthaditjhaba, QwaQwa. This initiative aims to improve access to justice and comprehensive support for victims of gender-based violence in underserved areas.[44]

38.   Department of Justice and Constitutional Development (DOJ&CD) (2013) Report on the Re-Establishment of Sexual Offences Courts in South Africa. Available at: https://www.justice.gov.za/reportfiles/other/2013-sxo-courts-report-aug2013.pdf (Accessed 31/01/2025).
39.   Rape Crisis Cape Town Trust (2024) Factors That Influence Rape Case Attrition in South Africa. Available at: https://rapecrisis.org.za/factors-that-influence-rape-case-attrition/ (Accessed 31 Jan. 2025).
40.   Department of Justice and Constitutional Development (DOJ&CD) (2024) SORMA Report 2023/2024: Implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act. Republic of South Africa. Available at: https://www.justice.gov.za (Accessed 31/01/2025).
41.   Population Data: Statistics South Africa (2024) South Africa's population surpasses the 63 million mark. Retrieved from: https://www.statssa.gov.za/
42.   Disrupting Harm Report (2022) South Africa: Evidence on Online Child Sexual Exploitation and Abuse. ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
43.   Department of Social Development (2024) Victim Support Services Bill 2020 – Policy and Implementation Review. Republic of South Africa. Available at: https://www.dsd.gov.za (Accessed 22/11/2024).
44.   National Prosecuting Authority (NPA) (2024) Building Confidence to Seek Justice in the Free State. Available at: https://www.stateofthenation.gov.za/stories-of-impact/gbv/confidence-to-seek-justice-in-the-free-state (Accessed: 3/12/2024).

- NGOs such as Childline South Africa, TEARS Foundation, and Rape Crisis Cape Town Trust provide counseling, crisis intervention, and legal advocacy. The DSD oversees the Victim Empowerment Programme (VEP), a national initiative that provides psychosocial support, trauma counseling, shelter services, and legal assistance to victims of crime, abuse, and gender-based violence, ensuring a coordinated, victim-centered approach across government and NGO sectors. The DSD also administer the Gender-Based Violence (GBV) Command Centre, and interdepartmental victim support services, ensuring a nationally coordinated response to victim assistance. Police stations also operate Victim-Friendly Rooms (VFRs) to provide private spaces for victims to report crimes.[45]

Conviction Rates for CSEA Cases

- Statistics from the NPA indicate high conviction rates for sexual offenses handled at Thuthuzela Care Centres (TCCs). In 2022/2023, TCCs recorded a 77.1% conviction rate, with 1,142 convictions. In 2023/2024, the rate increased to 77.8%, with 1,366 convictions. However, these figures represent all sexual offenses and do not differentiate OCSEA or CSEA-specific cases.[46]

Sentencing and Judicial Practices

- Sentences for CSEA offenses in South Africa align with global legal standards, with life imprisonment prescribed for rape involving a child under 16, unless mitigating circumstances are found (Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007). The Cybercrimes Act (2020) further criminalizes online child exploitation, imposing severe penalties, including up to 15 years' imprisonment for online grooming or CSAM distribution and 10 years' imprisonment for possession of CSAM or sextortion.

CAPACITY 5: Offender Management Process

Each country should have a multi-agency system to identify, manage and rehabilitate sex- offenders, and statutory tools (rehabilitation and education programmes, community supervision, etc.).

RELEVANT ASPECTS:

Multi-Agency Framework and Rehabilitation Initiatives[47][48]

- South Africa operates a multi-agency system for offender rehabilitation, involving the Department of Correctional Services (DCS), law enforcement, the DSD, DOJ&CD and NGOs. However, there is no dedicated national framework specifically for child sex offenders (CSOs). Rehabilitation programs primarily focus on sex offenders in general rather than offering distinct interventions for adult perpetrators of child sexual abuse or juvenile sex offenders.

- The DCS manages sex offender rehabilitation through structured treatment programs and therapeutic services. In 2023/24, a total of 10,326 sex offenders participated in rehabilitation programs, with social workers providing therapeutic interventions for sexual offenders and Gender-Based Violence (GBV) offenders. However, the report of the Department of Correctional Services does not specify whether juvenile sex offenders receive tailored rehabilitation separate from adult offenders.

- DSD plays a key role in the rehabilitation process by offering psychosocial support, diversion programs, and reintegration services. The "In the Mirror" program, for example, is a diversion

45. Victim Support Services Bill of 2020 (2020) Draft Legislation for Comprehensive Victim Support in South Africa. Republic of South Africa Government Gazette. Available at: https://www.justice.gov.za (Accessed 10/12/2024).
46. National Prosecuting Authority (NPA) (2024) Annual Report 2023/2024: Conviction Rates for Sexual Offences and Thuthuzela Care Centres (TCCs). Republic of South Africa. Available at: https://www.npa.gov.za/annual-reports (Accessed 18/01/2025).
47. South Africa. Department of Correctional Services (2024) Annual Report 2023/24. Pretoria: Government Printer. Available at: https://www.gov.za/documents/annual-reports/department-correctional-services-annual-report-20232024-14-nov-2024 (Accessed: 12/12/2024).
48. South Africa. Department of Correctional Services (2022) Reducing Reoffending Through Rehabilitation and Reintegration – August 2022. https://www.unodc.org/documents/justice-and-prison-reform/ReducingReoffending/MS/South_Africa_-_SOUTH_AFRICA_REDUCING_REOFFENDING_THROUGH_REHABILITATION_AND_REINTEGRATION_August_2022.pdf (Accessed: 12/12/2024).

program specifically designed for juvenile sexual offenders aged 13-17. It is based on cognitive-behavioral therapy (CBT) and focuses on self-awareness, behavior control, victim impact awareness, and relapse prevention.

- The National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) provides offender reintegration programs, including counseling and life skills training.

- NGOs play a supportive role in offender reintegration through counseling, skills training, and halfway house programs. However, NGOs do not have a formalized role in specialized sex offender treatment programs, particularly for juveniles.

- Sex offender rehabilitation programs in correctional facilities include cognitive-behavioral therapy (CBT), psychosocial rehabilitation, and other treatment initiatives. Needs-Based Rehabilitation Programs, for example, with offenders participating in Sexual Offender Treatment, Anger Management, Substance Abuse Treatment, and Marriage and Family Relationship Support.

- Restorative Justice remains a key part of the correctional system, with 14,844 victims and 4,498 offenders, probationers, and parolees participating in victim-offender mediation (VOM) and victim-offender dialogue (VOD) in 2023/24. While this process supports accountability and victim healing, the DCS report does not confirm whether juvenile sex offenders are included in these programs. The Child Justice Act (2008) allows for restorative justice for juvenile offenders, but participation depends on offense severity, meaning that serious sex offenses may not qualify for diversion programs.

- While community-based supervision for sex offenders exists, there is no specialized reintegration framework for CSOs, though, sex offenders are supervised under strict monitoring measures by Community Corrections and the Sexual Offender Treatment Program (SOTP) continues for sex offenders on parole as well as social work and psychological services for parolees and probationers, including those convicted of sexual offenses.

Legal Framework for Protecting Children

- South Africa has two key registers designed to protect children from harm: the National Child Protection Register (NCPR), managed by the Department of Social Development (DSD), and the National Register for Sex Offenders (NRSO), managed by the Department of Justice and Constitutional Development (DOJ&CD). These registers serve complementary purposes in safeguarding children from individuals who pose risks.[49]

- The National Child Protection (NPC) Register manage NCP cases of child abuse, neglect, and exploitation, while identifying individuals deemed unsuitable to work with or care for children:

  - Part A contains records of children who are victims of abuse, neglect, or in need of protection, allowing monitoring and follow-up interventions.
  - Part B lists individuals found unsuitable to work with children, often based on convictions or findings from child protection hearings. Employers in child-focused sectors must consult Part B to screen potential hires.

- The National Register for Sex Offenders (NRSO) maintain record of convicted offenders and restricts their employment in child-focused environments.

Judicial Oversight and Community-Based Management

- South African legislation empowers judges to impose specific prohibitions and limitations on offenders to manage their behavior in the community. The Correctional Services Act 111 of 1998[50]

49.   South Africa (2005) Children's Act, 38 of 2005, Pretoria: Government Printer. Available at: https://www.justice.gov.za (Accessed: 13/08/2024).

50.   South Africa (1998) Correctional Services Act 111 of 1998. Government Gazette, 19522. Available at: https://www.dcs.gov.za/wp-content/uploads/2018/05/CORRECTIONAL-SERVICES-ACT-111-of-1998.pdf (Accessed 13/08/2024).

allows offenders to serve parts of their sentences under community corrections, subject to conditions that restrict their movements or require participation in rehabilitation programs. Similarly, the Criminal Procedure Act 51 of 1977[51] permits courts to impose suspended sentences contingent upon offenders meeting specific behavioral conditions.

- The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007[52] ensures that offenders convicted of crimes against children are listed in the NRSO, restricting their ability to work with children or mentally disabled individuals. These legislative tools, while robust, are limited in practice by resource constraints, overcrowded correctional facilities, and insufficient rehabilitation programs.[36-41]

Research and Understanding of Offender Profiles

- Recent studies provide valuable insights into the profiles of child sex offenders in South Africa, highlighting offender trajectories, grooming behaviors, and psychological manipulation tactics. Other research findings demonstrate the cyclical nature of abuse, where childhood victimization, family dysfunction, and social isolation contribute to later perpetration, where child sex offenders groom and manipulate their victims to sustain long-term abuse. These findings reinforce the urgent need for specialized interventions that address offender psychology, recidivism risks, and trauma histories.[53] [54] [55]

CAPACITY 6: Access to Image Database

Every country should have a national database with access to the Interpol's ICSE database for international collaboration, supported by alignment with terminology for CSAM categorization.

RELEVANT ASPECTS:

Access and Utilization

- South Africa has access to INTERPOL's International Child Sexual Exploitation (ICSE) database, with the South African Police Service (SAPS) being the primary agency using it.[56] The ICSE database enables SAPS to identify victims and perpetrators of online child sexual exploitation, collaborate with international law enforcement, and share data for investigations.

- The National Prosecuting Authority (NPA) does not have direct access to the ICSE database but can retrieve necessary information via SAPS following established protocols when prosecuting OCSEA cases.[57]

Evaluation of Implementation and Impact of ICSE database

- While South Africa does not have a dedicated national repository or hash database, the South African Police Service (SAPS)

51.   South Africa (1977) Criminal Procedure Act 51 of 1977. Government Gazette, 5532. Available at: https://www.justice.gov.za/legislation/acts/1977-051.pdf (Accessed 13/08/2024).
52.   South Africa (2022) Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007 as Amended on 31 July 2022, Pretoria: Government Printer. Available at: https://www.justice.gov.za (Accessed: 13/08/2024).
53.   Disrupting Harm Report (2022) South Africa: Evidence on Online Child Sexual Exploitation and Abuse. ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
54.   Teddy Bear Foundation. (2024). Court Outcomes Summary Report (2019-2024): Conviction Rates and Case Outcomes of Child Abuse Cases in South Africa. Teddy Bear Foundation. Available at: https://www.ttbf.org.za (Accessed 20/01/2025).
55.   Wood, C., Welman, M. & Netto, L. (2000) A Profile of Young Sex Offenders in South Africa. Journal of Child and Adolescent Mental Health, 12(1), pp. 45-58. Available at: https://www.ajol.info/index.php/jcamh/article/view/14055/0
       Nandoo, L. & Van Hout, M-C. (2022) Understanding Child Sex Offending Trajectories in South Africa. Journal of Sexual Aggression, 28(1), pp. 119-132. Available at: https://www.tandfonline.com/doi/full/10.1080/13552600.2021.1936230 (Accessed 24/09/2024).
       Nandoo, L. & Van Hout, M-C. (2021) Child Sex Offender Mind-Set and Grooming Strategies in South Africa. Journal of Child Sexual Abuse, 30(5), pp. 616-635. Available at: https://www.tandfonline.com/doi/full/10.1080/10538712.2021.1890296 (Accessed 24/09/2024).
56.   INTERPOL (2024) 'International Child Sexual Exploitation database'. Available at: https://www.interpol.int/en/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database (Accessed: 19/12/2024).
57.   National Prosecuting Authority (NPA) (2024) South Africa OCSEA MRC Questionnaire – NPA Responses. Internal document provided to ICMEC for the MRC Assessment, December 2024.

utilizes INTERPOL's International Child Sexual Exploitation (ICSE) database to conduct investigations related to child sexual abuse material (CSAM). The ICSE database, securely managed by INTERPOL, enables investigators to identify victims and perpetrators by analyzing shared image and video data across jurisdictions.

- SAPS actively utilizes the ICSE database, but there is limited public information on the extent of its data contributions to INTERPOL. No publicly available evidence confirms a formalized process for ensuring that all investigative findings are systematically contributed to the ICSE database.

- South Africa actively participates in INTERPOL-led operations, such as Operation Blackheath (2023), which led to the submission of 2,554 media files to the ICSE database, including previously unseen abuse material.

Security and Access Control

- The ICSE database is managed by INTERPOL and housed within the I-24/7 global police communications network.

- Only authorized law enforcement personnel with specialized training can access the ICSE database. In South Africa, this access is strictly limited to SAPS personnel assigned to child sexual exploitation cases.[61]

58. INTERPOL (2024) International Child Sexual Exploitation database. Available at: https://www.interpol.int/en/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database (Accessed: 19/12/2024).
59. Australian Federal Police (2023) Operation Blackheath: Global law enforcement collaboration in online child exploitation cases. AFP Press Release.
60. INTERPOL (2024) International Child Sexual Exploitation database. Available at: https://www.interpol.int/en/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database (Accessed: 19/12/2024).
61. INTERPOL (2024) International Child Sexual Exploitation database. Available at: https://www.interpol.int/en/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database (Accessed: 19/12/2024).

GAPS Sector 2: Criminal Justice

Resource and Capacity Constraints

- Specialized units within the South African Police Service (SAPS), such as the Family Violence, Child Protection, and Sexual Offences (FCS) units, and the National Prosecuting Authority (NPA) face acute resource shortages. Issues include understaffing, insufficient advanced training in digital forensics and online CSEA investigations, and outdated technological tools. These constraints are exacerbated in rural areas, where access to specialized services and infrastructure is limited.[62]

Technological Gaps

- South Africa lacks access to critical investigative tools, such as ICACCOPS and CPS, that are essential for monitoring peer-to-peer (P2P) networks and managing CSAM investigations. The absence of a national image or hash database forces reliance on Interpol's ICSE database, which is not fully integrated into domestic systems like the National Register for Sex Offenders (NRSO). Furthermore, the lack of real-time evidence management systems and advanced forensic tools hinders investigations and prosecutions.[63]

Fragmented Reporting and Coordination

- The country lacks a unified reporting system to consolidate cases from various entities, such as NCMEC, SAPS, Interpol and the Film and Publication Board (FPB). Reports are routed through multiple intermediaries, causing delays and inefficiencies. Without a centralized mechanism, case management and inter-agency coordination remain inconsistent, particularly at the provincial and municipal levels.

- South Africa lacks direct access to NCMEC's Case Management Tool (CMT), relying instead on said intermediaries like the U.S. Department of State and Interpol. This multi-tiered process causes delays in identifying victims and offenders. Additionally, the country's limited engagement with global networks, such as NCMEC, reduces the efficiency of its international partnerships for CSAM reporting and takedown.

Training Deficits and Unequal Access

- Training for law enforcement, prosecutors, and judicial officers on OCSEA-specific issues is inconsistent and not standardized. Rural areas suffer from a lack of access to professional development programs, creating disparities in expertise and the quality of investigations. SAPS also lacks mandatory comprehensive nationally standardized training programs in its academies for CSEA offline and online cases, and much of the training relies on external partners, such as NGOs. While officers in specialized units receive OCSEA training, regular police officers often lack the technical expertise required for digital child exploitation investigations.[64]

  ◦ While the South African judiciary has legal frameworks to address OCSEA, limited training on digital evidence and online offender methodologies remains a challenge. The

62. South African Police Service (SAPS) (2024) SAPS 2024/2025 Annual Performance Plan, Available at: https://www.saps.gov.za/about/stratframework/strategic_plan/2024_2025/SAPS-2024-25-Annual-Performance-Plan-0 2-April-2024-Final.pdf
Parliament of South Africa (2024) Media Statement: Police Committee Concerned over Continued Capacity Shortages within Crime Intelligence and Detectives. Available at: https://www.parliament.gov.za/press-releases/media-statement-police-committee-concerned-continued-capacity-short ages-within-crime-intelligence-and-detectives
63. Department of Planning, Monitoring, and Evaluation (DPME) (2017) Evaluation of SAPS Integrated Forensic Services (IIFS) Final Report, Available at: https://www.dpme.gov.za/keyfocusareas/evaluationsSite/Evaluation%20Reports/SAPS%20Evaluation%20of%20IIFS%20Full%20Report%20Final%2017%2001%207%20Approved.pdf (Accessed: 19/12/2024).
64. South African Judicial Education Institute (SAJEI) (2023) Judicial Training and Capacity-Building Programs for Sexual Offences Cases. Available at: https://www.sajei.org.za (Accessed 13/08/2024).

South African Judicial Education Institute (SAJEI) provides continuous training for judges and magistrates, including topics on sexual offenses and child exploitation. However, specialized training on OCSEA cases is lacking, which hinders the effective prosecution of digital child exploitation crimes. In addition, the lack of trained specialists on OCSEA in rural areas often results in delays and inconsistent application of child-friendly legal procedures, affecting case outcomes.[65] [66]

- A study by the Teddy Bear Foundation (2019-2024), which analyzed 5,385 child abuse cases, found that only 4% resulted in convictions, equating to approximately 215 convictions over five years. This highlights a significant gap between reported cases and successful prosecutions, particularly in child exploitation cases. Additionally, the report highlights systemic issues such as a lack of forensic evidence, delayed court proceedings, and high case withdrawal rates, which hinder the successful prosecution of child abuse and exploitation cases. [67]

Lack of Standardized Sentencing Guidelines

- Judicial discretion leads to variations in sentencing outcomes, particularly in rural areas where prosecutorial resources are limited. The lack of standardized sentencing guidelines results in unequal application of justice for victims, with challenges such as limited digital forensic resources and delays in court proceedings impacting outcomes.[68] [69]

Gaps in Psychological Support for Law Enforcement and Legal Practitioners

- There are no clear, mandatory policies for psychological support for police officers, prosecutors and judicial officers dealing with CSEA offline or online cases. Though some programs are in place, most of the time stigmatization of mental health issues prevents personnel from seeking necessary support.

Uneven Victim Support Services

- While urban areas benefit from facilities like Thuthuzela Care Centres (TCCs) and Sexual Offences Courts, rural and underserved regions lack adequate victim-friendly infrastructure and services. Victim-centered approaches, such as trauma-informed care and the use of intermediaries during trials, are inconsistently applied across regions.

Limited Data and Monitoring Systems

- While the DSD has mechanisms intended to monitor and evaluate the progress of CSEA cases, the lack of detailed public data makes it challenging to confirm the full extent of their effectiveness in tracking CSEA cases through all stages of the criminal justice process, from reporting to conviction. National statistics on OCSEA cases are not consistently disaggregated, and there is no centralized monitoring system to track victim identification, offender compliance, or systemic outcomes.

65.   Teddy Bear Foundation Report (2024) *Child-Friendly Justice: Enhancing Legal and Psychological Support for Child Victims in South Africa*. Teddy Bear Foundation. Available at: https://www.ttbf.org.za (Accessed 04/12/2024).
66.   Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse*. ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
67.   Teddy Bear Foundation. (2024). *Court Outcomes Summary Report (2019-2024): Conviction Rates and Case Outcomes of Child Abuse Cases in South Africa*. Teddy Bear Foundation. Available at: https://www.ttbf.org.za (Accessed 20/01/2025).
68.   Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse*. ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
69.   Teddy Bear Foundation. (2024). *Court Outcomes Summary Report (2019-2024): Conviction Rates and Case Outcomes of Child Abuse Cases in South Africa*. Teddy Bear Foundation. Available at: https://www.ttbf.org.za (Accessed 20/01/2025).

Lack of a Specialized National Framework for Sex Offender Rehabilitation

- Although South Africa has a multi-agency framework for offender rehabilitation in general, it lacks a specialized, unified national framework dedicated to managing and rehabilitating sex offenders, particularly child sex offenders. The existing collaboration between DCS, DSD, DOJ&CD, and NGOs does not provide a structured, integrated approach to the reintegration of sex offenders, leading to gaps in treatment, monitoring, and post-release supervision.

Lack of Specialized Treatment Programs for Child Sex Offender (CSO)

- The National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) does not offer specialized treatment programs for CSOs, nor does it operate within a national multi-agency framework specifically addressing CSO rehabilitation. While NICRO supports restorative justice processes and behavioral interventions, there is no publicly available evidence that it provides structured, long-term treatment programs for CSO.

- Although, sex offender rehabilitation programs do exist in correctional facilities and include cognitive-behavioral therapy (CBT), psychosocial rehabilitation, and other treatment initiatives, these programs do not differentiate between child sex offenders and other categories of sexual offenders, and there is no evidence of a dedicated treatment framework specifically for child sex offenders. While, some correctional facilities attempt to provide interventions such as Needs-Based Rehabilitation Programs, with offenders participating in Sexual Offender Treatment, Anger Management, Substance Abuse Treatment, and Marriage and Family Relationship Support, these programs are often not specialized enough to address the unique needs of CSOs effectively. Reports indicate that few offenders complete rehabilitation programs while incarcerated, raising concerns about the efficacy of current efforts.[70]

Gaps in the Reintegration and Monitoring of Child Sex Offenders (CSOs)

- While community-based supervision exists for sex offenders on parole, there is no specialized reintegration framework for child sex offenders (CSOs). Instead, sex offenders are managed under general parole conditions, with strict monitoring by Community Corrections and access to the Sex Offender Treatment Program (SOTP), as well as social work and psychological services. However, unlike some countries that have dedicated reintegration models for CSOs, South Africa lacks a tailored approach, raising concerns about public safety and reoffending risks.[71]

- Additionally, although the National Register for Sex Offenders (NRSO) records for convicted sex offenders restricts their employment in child-focused environments, it is not exclusively focused on CSOs, it tracks all sex offenders, meaning it does not provide specialized monitoring or rehabilitation mechanisms to prevent recidivism. The lack of targeted reintegration and monitoring measures limits the effectiveness of preventing reoffending among individuals convicted of sexual offences against children.

Inconsistent Awareness and Public Outreach

- Public awareness campaigns on OCSEA risks and reporting mechanisms fail to reach vulnerable communities effectively, particularly in rural and underserved regions. Limited internet access further restricts the reach of online reporting tools and educational initiatives.

70. Teddy Bear Foundation. (2024). *Court Outcomes Summary Report (2019-2024): Conviction Rates and Case Outcomes of Child Abuse Cases in South Africa*. Teddy Bear Foundation. Available at: https://www.ttbf.org.za (Accessed 20/01/2025).
71. Teddy Bear Foundation. (2024). *Court Outcomes Summary Report (2019-2024): Conviction Rates and Case Outcomes of Child Abuse Cases in South Africa*. Teddy Bear Foundation. Available at: https://www.ttbf.org.za (Accessed 20/01/2025).

SECTOR 3: Victim Support and Empowerment

OUTCOME

To provide appropriate support services for children and young people that support them through the investigation and prosecution of crimes against them. They have access to shelter; specialised medical and psychological services; and rehabilitation, repatriation and resocialization services.

CAPACITY 7: End to End Support

Each country should have a planned, integrated and multi-stakeholder support for victims and survivors. Services are inclusive and sensitive to age, gender, sexuality, disability and ethnicity. Psychological support across dedicated law enforcement, frontline workers accessing image databases, child protection workforce, and hotlines.

RELEVANT ASPECTS:

- South Africa has implemented several integrated support programs to address the immediate impact of child sexual exploitation and abuse (CSEA), both offline and online, alongside recovery processes for victims. The country benefits from a robust legislative framework, including the Children's Act, the Sexual Offences and Related Matters Amendment Act, and the Cybercrimes Act, which provide protective measures and reporting mechanisms for child victims. A key support initiative is the one-stop Thuthuzela Care Centres (TCCs), which offer medical, psychological, and legal assistance to victims. However, accessibility remains a challenge, particularly in rural areas.[72]

- The National Plan of Action for Children 2019-2024 (NPAC) aligns with South Africa's legal framework by emphasizing multi-agency collaboration for victim support. The DSD, DOJ&CD, SAPS, NPA, and NGOs are key actors in ensuring victims of offline or online CSEA receive integrated services, including psychological, legal, and medical support. The NPAC reinforces integrated service provision through its alignment with the National Development Plan (NDP) and Sustainable Development Goals (SDGs).[73]

Case Management and Psychological Support

- The Department of Social Development (DSD) plays a central role in case management and counseling. Non-governmental organizations (NGOs) supplement government efforts by offering helplines, psychological support, and legal aid, especially in remote areas.

- Although South Africa has legal provisions for victim protection, there are no formal compensation mechanisms specifically covering psychological care costs for child victims of offline or online CSEA during and after criminal proceedings. The Criminal Procedure Act allows courts to issue compensation orders, but these depend on the offender's financial capacity, which is often inadequate in CSEA cases. While government-funded services such as TCCs and DSD provide free psychological support, these

72.   Department of Social Development (2021-2024) *Child Protection Programme, Service specifications for funding of NPOs.* Available at: https://www.dsd.gov.za/index.php/documents?catid=54&id=185&m=0&task=download.send (Accessed: 26/09/2024)
       National Prosecuting Authority (2019) *The Thuthuzela Care Centre (TCC).* Available at: https://www.justice.gov.za/vg/sxo/2019-TCC-Brochure-Sep.pdf (Accessed: 26/09/2024).
73.   South Africa. Department of Social Development (2019). South Africa National Plan of Action for Children 2019-2024. Pretoria: Government Printer. Available at: https://www.dsd.gov.za (Accessed: 13/08/2024).

services are frequently underfunded and unavailable in rural areas. NGOs such as the TEARS Foundation and Childline South Africa provide vital psychological support, though their services rely on donor funding rather than a legislatively mandated compensation process.

- However, the *Prevention and Combating of Trafficking in Persons Act No. 7 of 2013* includes compensation provisions for trafficking victims, which may cover child victims of CSEA in certain cases. Section 29(1)(a) of the Act allows courts to order offenders to compensate victims for physical and psychological injuries, as well as expenses related to medical or psychological treatment.

Risk Assessment and Integration into Recovery Processes

- In South Africa, psychological, social, medical, and legal risk assessments for offline or online CSEA victims are incorporated into criminal and protection processes, though their implementation and integration into long-term recovery remain inconsistent. The Children's Act and the Sexual Offences and Related Matters Amendment Act provide frameworks for risk assessment, yet effectiveness varies due to resource limitations and regional disparities.[76][77]

- The DSD and TCCs prioritize the child's physical and emotional well-being while documenting legal risks in ongoing proceedings. A multi-disciplinary team, comprising psychologists, social workers, medical practitioners, and legal advisors, evaluates the immediate needs of offline or online CSEA victims.[78][79]

- NGOs play a crucial role in providing psychosocial support, but their services are not formally integrated into criminal or protection processes.[79][80]

Long-Term Support and Rehabilitation

- While South Africa has state programs supporting offline or online CSEA victims, long-term assistance is limited. There are no formal nationwide programs for sustained victim support, leading to fragmented services that rely heavily on NGOs.[80]

  ◦ Victim Empowerment Programme (VEP): The DSD offers services such as safe placements and counseling.
  ◦ Thuthuzela Care Centres (TCCs): These centers provide immediate interventions, including medical, psychological, and legal assistance,
  ◦ Non-Governmental Organizations (NGOs): Many NGOs provide ongoing psychological care.

CAPACITY 8: Child Protection Workforce

Skilled, specialist statutory workforce trained, coordinated and available to provide trauma-informed support to protect and support children at risk of sexual abuse and exploitation online.

Guidelines for frontline professionals on emerging and complex issues such as child "self-generated" sexual material.

RELEVANT ASPECTS:

- South Africa has established a child protection workforce supported by a legal framework, multi-disciplinary teams (MDTs), and policies led by the Department of Social Development (DSD). These components aim to protect children from abuse, neglect,

74.   Childline South Africa (2023) *Support services for child abuse victims in South Africa*, Available at: https://www.childlinesa.org.za/ (Accessed: 29/10/2024).
75.   TEARS Foundation (2023) *Providing support for survivors of abuse*, Available at: https://tears.co.za/ (Accessed: 29/10/2024).
76.   Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse.* ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
77.   Multiple Participants (2024) *South Africa OCSEA MRC Questionnaire – Sector 3 - Victim Support and Empowerment.* Internal document provided to ICMEC for the MRC Assessment, December 2024.
78.   Disrupting Harm Report (2022) South Africa: Evidence on Online Child Sexual Exploitation and Abuse. ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
79.   Multiple Participants (2024) *South Africa OCSEA MRC Questionnaire – Sector 3 - Victim Support and Empowerment.* Internal document provided to ICMEC for the MRC Assessment, December 2024.
80.   Economist Impact. (2022) *Out of the Shadows Index 2022 Global Report*, Available at: https://cdn.outoftheshadows.global/uploads/documents/Out-of-the-Shadows-Index-2022-Global-Report.pdf (Accessed: 29/10/2024).

and exploitation while trying to address gaps in service delivery, particularly in underserved areas. The child protection workforce operates under the mandate of the Children's Act No. 38 of 2005, which outlines child protection services, interventions, and the roles of various stakeholders, including government and civil society. Additional legislation, as outlined in Sector 1, supports the child protection mandate by ensuring child-friendly justice processes and addressing sexual offenses against children.

DSD Framework and Policy for Child Protection

- The Department of Social Development (DSD) is the primary governmental agency tasked with overseeing child protection services. It is responsible for implementing the *Children's Act,* ensuring compliance with child protection policies, and coordinating prevention and intervention programs. The DSD framework include:

- National Plan of Action for Children (2019-2024): Prioritizes the expansion of social worker capacity, forensic investigation training, and legal protection mechanisms to strengthen the child protection workforce. The NPAC supports the training and capacity building of child protection professionals, including social workers, prosecutors, and law enforcement handling child sexual exploitation and abuse cases.[81]

- National Child Care and Protection Policy (2019): This policy provides a comprehensive approach to preventing and responding to child abuse, neglect, and exploitation. It emphasizes integrated and coordinated efforts between government departments, civil society, and other stakeholders to maximize resource efficiency and improve child protection outcomes.[82]

- Child Protection Register (CPR): Managed by the DSD, this register

tracks individuals deemed unsuitable to work with children and monitors child protection cases, ensuring accountability and compliance with child protection legislation.[83]

- Standardized Risk Assessment Tools: The DSD has developed tools to evaluate safety and risk factors affecting children. These assessments guide social workers in deciding on interventions such as removing a child from a harmful environment or providing psychosocial support.

- Community-Based Interventions: The DSD coordinates prevention campaigns and outreach programs in collaboration with NGOs to raise awareness about child protection and support community-based care for children at risk, particularly in rural and underserved areas.

Child Protection Teams and Multi-Disciplinary Teams (MDTs)

- South Africa employs Child Protection Teams (CPTs) and Multi-Disciplinary Teams (MDTs) to ensure a coordinated response to child protection. These teams operate within the framework of institutions such as Thuthuzela Care Centres (TCCs) and Children's Courts. Their composition typically includes:

  ◦ Social Workers: Provide psychosocial support and assess the safety and well-being of children.
  ◦ Medical Professionals: Offer immediate medical care, including forensic examinations for abuse cases.
  ◦ Law Enforcement Officers: Investigate cases of abuse, neglect, and exploitation, including offline or online CSEA.
  ◦ Prosecutors: Ensure legal processes are child-sensitive and timely.
  ◦ Psychologists: Deliver trauma-informed counseling and mental health care.

81.   South Africa Department of Social Development (2019). *South Africa National Plan of Action for Children 2019-2024.* Pretoria: Government Printer. Available at: https://www.dsd.gov.za (Accessed: 13/08/2024).
82.   Department of Social Development (2019) *National Child Care and Protection Policy.* Available at https://www.dsd.gov.za (Accessed: 13/08/2024).
83.   Department of Social Development (2021) *Child Protection Register: Service Specification.* Available at: https://www.dsd.gov.za/index.php/documents?catid=99&id=524&m=0&task=download.send (Accessed: 13/08/2024).

- These teams collaborate to conduct risk assessments, provide interventions, and offer rehabilitation services. TCCs play a fundamental role by providing integrated medical, legal, and psychosocial support under one roof, aimed at reducing secondary victimization and improving prosecution rates.[84]

Child Protection System Actors

- Department of Social Development (DSD): Responsible for implementing the Children's Act, overseeing child protection services, and coordinating care and intervention for children in need.

- South African Police Service (SAPS): Handles investigations of crimes against children, including abuse, neglect, and exploitation. Specialized Family Violence, Child Protection, and

- Sexual Offences (FCS-SECI) Units address cases involving child victims, including online CSEA.

- Department of Health: Provides medical and psychological care, particularly through Thuthuzela Care Centres (TCCs), which offer a one-stop facility for victim assistance.

- Department of Justice and Constitutional Development: Ensures child-friendly judicial processes and manages Children's Courts for handling cases involving care and protection.

- Non-Governmental Organizations (NGOs): Provide specialized care, outreach, and advocacy. Organizations like Childline South Africa, Teddy Bear Foundation, TEARS Foundation, to name only a few, complement government efforts by offering court preparation, medico-legal examination, counseling and helpline services.

Judicial and Risk Assessment Frameworks

- South Africa's judicial process for child protection begins with

reports of suspected abuse, which prompt investigations by social workers and law enforcement. Protection orders and custody decisions are managed by Children's Courts.

- Risk Assessment Protocols: The Department of Social Development has developed standardized tools to assess safety and risk factors for children. Interdisciplinary teams collaborate on risk assessment and interventions.[85]

- Other authorities crucial for protection, such as the Ministry of Health, the MSDFS, and the Ministry of Education did not provide information related to ongoing training.[86]

CAPACITY 9: Compensation, Remedies and Complaints Arrangements

Provision of measures to allow children and victims accessible support in compensation, legal remedies, and complaints procedures.

RELEVANT ASPECTS:

- South Africa has established processes to provide remedies and reparations for victims of CSEA, both offline and online, as well as support for their guardians and caregivers. These measures include legal, psychological, and social interventions aimed at addressing the harm suffered and facilitating recovery. Additionally, restorative justice programs are in place to promote healing, hold offenders accountable, and involve the community in the justice process.[87]

- In specific cases when a child is abused by a parent, family member,

84. National Prosecuting Authority (2019) *The Thuthuzela Care Centres: Turning Victims into Survivors.* Available at: https://www.justice.gov.za/vg/sxo/2019-TCC-Brochure-Sep.pdf (Accessed: 28/11/2024).
85. South Africa (2005) Children's Act, 38 of 2005, *Pretoria: Government Printer.* Available at: https://www.justice.gov.za (Accessed: 13/08/2024).
86. Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse.* ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
87. South Africa Department of Social Development (2019). *South Africa National Plan of Action for Children 2019-2024.* Pretoria: Government Printer. Available at: https://www.dsd.gov.za (Accessed: 13/08/2024).

or legal guardian, authorities assess the situation to determine if the child is in immediate danger. If so, the child may be removed from the home and placed in protective custody to prevent further abuse. Legal action is initiated against the offending caregiver, which may result in criminal charges and the termination of parental rights. Depending on the case, the child may be placed with other family members, in foster care, or in appropriate child and youth care centers. The primary goal is to ensure a stable and supportive environment for the child's development.[88]

- *The Criminal Procedure Act (Section 300)*[89]: Victims can claim compensation as part of the criminal proceedings against offenders. Compensation may cover financial losses resulting from the crime, such as medical expenses and psychological damages.

- Civil Litigation: Victims and their caregivers can pursue civil claims against offenders to recover damages, including compensation for psychological trauma, medical costs, and loss of income. This process complements criminal remedies and provides additional avenues for reparation.[90]

- Restorative Justice Programs: Programs such as Victim-Offender Mediation and Family Group Conferencing offer victims the opportunity to seek restitution and acknowledgment from offenders in a structured, supportive environment. These programs aim to facilitate emotional and psychological healing while promoting accountability on the part of offenders.[91][92]

- Thuthuzela Care Centres (TCCs): These one-stop facilities provide integrated legal, medical, and psychological support to victims, prioritizing a victim-centered approach to ensure dignity and respect throughout the process.

- Legal Aid South Africa: Legal Aid South Africa is an independent statutory body established under the Legal Aid South Africa Act 39 of 2014. Its primary mandate is to ensure access to justice by providing legal aid and advice, as well as legal representation at state expense, to individuals who cannot afford legal services. This includes vulnerable groups such as women, children, and the rural poor. The organization operates autonomously, maintaining independence and impartiality in its decision-making processes. For victims of CSEA, Legal Aid offers support in filing compensation claims, navigating court proceedings, and advocating for their rights. The organization operates a nationwide network of legal aid centers and hotlines, prioritizing marginalized and underserved communities to promote equality before the law.[93][94]

CAPACITY 10: Child Helpline

Each country should have accessible support helpline available 24/7, nationwide, offering in-person, voice and text based and video councelling and interpretation. A robust data protection systems Operators with specific training in online harms.

RELEVANT ASPECTS:

- South Africa has developed suitable child helpline services as part of its broader child protection framework. These services aim to provide immediate, accessible, and child-sensitive assistance to children and their caregivers, addressing issues related to CSEA whether offline or online and other forms of harm.

88.   South Africa (2005) *Children's Act, 38 of 2005*, Pretoria: Government Printer. Available at: https://www.justice.gov.za (Accessed: 13/08/2024).
89.   Republic of South Africa (1977) *Criminal Procedure Act (Section 300)*, Available at: https://www.gov.za (Accessed: 11/11/2024).
90.   Childline South Africa (2023) *Support services for child abuse victims in South Africa*, Available at: https://www.childlinesa.org.za (Accessed: 11/11/2024).
91.   Department of Justice and Constitutional Development (2011) *Restorative Justice: The Road to Healing*, Available at: https://www.justice.gov.za/rj/2011rj-booklet-a5-eng.pdf (Accessed: 2/12/2024).
92.   South Africa Department of Social Development (2019). *South Africa National Plan of Action for Children 2019-2024*. Pretoria: Government Printer. Available at: https://www.dsd.gov.za (Accessed: 13/08/2024).
93.   Legal Aid South Africa (n.d.) *About Us*, Available at: https://legal-aid.co.za/about-us/ (Accessed: 3/02/2025).
94.   Government of South Africa (2014) *Legal Aid South Africa* Act 39 of 2014. Available at: https://www.gov.za/documents/legal-aid-south-africa-act (Accessed: 3/02/20252025)

Childline South Africa

- Childline operates the toll-free helpline 116, accessible 24/7 across all networks. It provides immediate counseling, crisis intervention, and referrals to appropriate services. The helpline also offers online counseling through chat services, catering to children who prefer digital communication. Services are child-sensitive, confidential, and available nationwide, ensuring inclusivity for urban, rural, and remote areas.[95]

- Childline South Africa operates as an independent NGO, managing the national 116 helpline through its regional offices, which provide localized support across the country. While independent, Childline works closely with government institutions to ensure alignment with national child protection policies. The organization partners with the Department of Social Development (DSD) to facilitate referrals to government-run social services and with the South African Police Service (SAPS) to report and address cases of child abuse, particularly through its Family Violence, Child Protection, and Sexual Offences (FCS) Units. Collaboration with the Department of Health ensures that victims are referred to Thuthuzela Care Centres (TCCs) for specialized medical and psychological care. Partnerships with other NGOs, further expand Childline's capacity and outreach.[96]

- To ensure accessibility and inclusivity, Childline offers services through multiple channels. The toll-free 116 helpline available 24/7, ensure that individuals can access support at any time without incurring charges. Online chat services provide an alternative for children who prefer written communication or who may have limited access to private phone conversations. Both channels prioritize confidentiality and child-sensitive communication, encouraging children to seek help comfortably. The helpline also serves as a gateway to additional support services, including

face-to-face care through regional offices and referrals to social workers, healthcare providers, and law enforcement agencies.[97]

- The helpline's services include counseling and emotional support, crisis intervention, and information provision. Trained counselors assist children facing issues such as abuse, neglect, bullying, and mental health challenges. In crisis situations, the helpline provides immediate guidance to ensure the child's safety and well-being. Additionally, callers receive information about their rights and are referred to relevant services, such as legal aid, healthcare, and social support.[97]

- Childline South Africa's counselors undergo mandatory training to ensure effective support delivery. All counselors complete a specialized helpline counseling course, which equips them with essential skills for providing assistance over the phone. Continuous Professional Development (CPD) programs further enhance their expertise, covering topics such as therapeutic methods, child protection laws, and inter-sector collaboration. This comprehensive training ensures that counselors are well-equipped to address the diverse needs of children and caregivers, providing empathetic, informed, and effective support.

Department of Social Development (DSD)

- The DSD operates the Gender-Based Violence Command Centre (GBVCC), which also provides a toll-free helpline for victims of offline or online CSEA and gender-based violence. This service is available 24/7, offering emotional support, counseling, and referrals to legal, medical, and psychosocial services. The helpline uses multiple platforms, including SMS WhatsApp and web-link, for accessibility as well as through email, social media (Facebook and Twitter) or in person to designated offices.[97]

- Public awareness campaigns play a critical role in promoting

95. Childline South Africa (2023) *Support services for child abuse victims in South Africa*, Available at: https://www.childlinesa.org.za (Accessed: 11/11/2024).
96. Childline South Africa (2023) *Support services for child abuse victims in South Africa*. Available at: https://www.childlinesa.org.za (Accessed: 11/11/2024).
97. Department of Social Development (2024) *The Gender-Based Violence Command Centre Is Now Live*. Available at: https://www.dsd.gov.za/index.php/21-latest-news/567-the-gender-based-violence-command-centre-is-now-live (Accessed: 10/01/2025).

the helpline and ensuring that children and caregivers know how to access it. National initiatives, such as Child Protection Week and the 16 Days of Activism campaign, highlight the availability of resources like Childline and GBVCC. Community outreach programs, led by Childline branches, educate children and caregivers about child protection and the services offered by the helpline. These efforts help ensure that information about child helplines reaches diverse populations across South Africa, emphasizing the availability of assistance for children in need.

GAPS Sector 3: Victim Support and Empowerment

South Africa faces critical gaps in its victim support and empowerment framework for offline or online CSEA survivors. These gaps relate to compensation frameworks, service accessibility, long-term support, training, coordination, and monitoring systems.

Compensation and Remedies for Victims

- South Africa lacks a dedicated national compensation fund to cover medical and psychological expenses for all child victims of crime, including offline or online CSEA. Current mechanisms under the Criminal Procedure Act (1977) and the Prevention and Combating of Trafficking in Persons Act (2013) rely on offender conviction, which means that there is no explicit legal mandate within South Africa's domestic laws guaranteeing state-funded psychological support for all child victims, regardless of offender conviction status, leaving compensation policies inconsistent and inaccessible to many affected children. While programs like the Victim Empowerment Programme (VEP) and Thuthuzela Care Centres (TCCs) play a crucial role in supporting child victims, there is no dedicated national compensation fund to systematically finance psychological care for all child victims of crime, meaning that access remains inconsistent and largely dependent on accessibility or non-governmental services and donor-funded programs.[98][99]

- Civil litigation is not a viable alternative for many victims due to cost and procedural complexity. Civil claims depend on the offender's financial capacity, which limits compensation recovery for lower-income families. While Legal Aid South Africa provides free legal representation to qualifying victims, its mandate primarily covers criminal cases, with limited provisions for civil litigation in compensation claims. As a result, many victims struggle to access financial reparations through the civil justice system.[100]

Service Accessibility and Implementation

- Government-funded victim support services, such as the VEP and TCCs, remain concentrated in urban areas. Rural and underserved communities have significantly less access to quality psychological, social, and legal support.[101] Accredited service providers are limited, and funding shortages prevent these services from meeting minimum standards for victim care.[102]

98. South Africa (2005) *Children's Act, 38 of 2005*, Pretoria: Government Printer. Available at: https://www.justice.gov.za (Accessed: 13/08/2024).
99. Government of South Africa (1998) *Domestic Violence Act, Act 116 of 1998*. Available at: https://www.gov.za/documents/domestic-violence-act (Accessed: 13/08/2024).
100. Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse*. ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
101. Government of South Africa (n.d.) *Thuthuzela Care Centres (TCCs) Information*. Available at: https://www.gov.za/TCC (Accessed: 04/12/2024).
102. South Africa Department of Social Development (2019). *South Africa National Plan of Action for Children 2019-2024*. Pretoria: Government Printer. Available at: https://www.dsd.gov.za (Accessed: 13/08/2024).

- While Thuthuzela Care Centres (TCCs) play a crucial role in providing immediate crisis intervention for victims of sexual violence, their availability and the quality of services vary significantly across regions. A recent report by the Commission for Gender Equality highlighted significant challenges, particularly in the Eastern Cape, where only 27% of TCCs have dedicated forensic nurses and 63% offer 24-hour services. Many centres lack essential on-site personnel, such as South African Police Service (SAPS) officers and Social Auxiliary Workers, further limiting the quality and accessibility of care. These gaps in staffing and operational hours hinder victims' access to long-term psychological support. Moreover, the absence of sustainable government funding and resource allocation exacerbates these challenges, leaving many TCCs unable to provide consistent and comprehensive support to victims in underserved areas.[103]

Fragmented and Uncoordinated Support Systems

- The current support system is fragmented, with weak coordination between legal, medical, and social service providers. Outside of the TCC network, many victims fall through the cracks during their recovery process due to disjointed case management. The absence of integrated service networks further exacerbates the disconnect between law enforcement, healthcare, and social services.[104]

- Victim support agencies also face limited data-sharing protocols, preventing a seamless continuum of care. Case tracking and information sharing between service providers remain underdeveloped, affecting the ability to provide holistic, long-term support.[105] [105]

Lack of Long-Term Rehabilitation and Specialized Support

- While South Africa has government-run long-term care services, victims of offline or online CSEA lack a structured, nationally coordinated long-term rehabilitation framework. The absence of state-mandated sustained care leaves many survivors dependent on NGOs, which face financial instability. Assistance varies depending on service availability, individual circumstances, and the resources of involved organizations. Government programs primarily address immediate needs, with no mandated maximum care durations. Follow-up support by the DSD may extend over months or years in specific cases, but this remains inconsistent, particularly in resource-limited regions. NGOs may offer extended counseling services, but their efforts are not state-mandated and rely on external funding, leading to variability in care duration.[106] [107]

- The DSD and TCCs prioritize the child's physical and emotional well-being while documenting legal risks in ongoing proceedings. The multi-disciplinary team, assess the immediate needs of offline or online CSEA victims. However, integrating these assessments into a structured rehabilitation framework is hindered by resource constraints, particularly in rural areas. Social workers may recommend alternative care placements,

103. Commission for Gender Equality (CGE) (2024) *Investigative Report on the State of Thuthuzela Care Centres in the Eastern Cape.* Available at: https://www.algoafm.co.za/local/cge-report-notes-significant-gaps-at-ec-thuthuzela-care-centres (Accessed: 28/10/2024).
104. UNODC (2020) *Report on Criminal Justice System Responses to Gender-Based Violence in the SADC Region.* Available at: https://www.unodc.org/documents/southernafrica/Publications/CriminalJusticeIntegrity/GBV/Report_on_Criminal_Justice_System_-_web.pdf (Accessed: 22/08/2024).
Department of Community Safety (2022) *Integrated Crime and Violence Prevention Strategy.* Available at: https://static.pmg.org.za/220704Final_Approved_Integrated_Crime_Violence_Prevention_Strategy.pdf (Accessed: 22/08/2024).
105. Commission for Gender Equality (CGE) (2024) *Investigative Report on the State of Thuthuzela Care Centres in the Eastern Cape.* Available at: https://www.algoafm.co.za/local/cge-report-notes-significant-gaps-at-ec-thuthuzela-care-centres (Accessed: 28/10/2024).
106. Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse.* ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
107. Multiple Participants (2024) *South Africa OCSEA MRC Questionnaire – Sector 3 - Victim Support and Empowerment.* Internal document provided to ICMEC for the MRC Assessment, December 2024.

yet the state lacks a standardized mechanism to transition victims from risk assessment to long-term recovery support.[108] [108]

- NGOs play a crucial role in providing psychosocial support, but their services are not formally integrated into criminal or protection processes. While victims receive legal guidance, the link between risk assessment and structured recovery planning is weak. The system remains heavily reliant on NGOs for sustained support, which is ultimately dependent on external resources rather than government funding.[108]

- Additionally, there are few structured re-integration programs for offline or online CSEA victims, leaving many without adequate follow-up care. Without specialized programs addressing OCSEA, victims often lack sustained psychological support and life skills development needed to transition back into normalcy. [109] [109]

Weak Data Systems and Monitoring

- A critical challenge in South Africa's victim support system is the lack of comprehensive data collection and evaluation mechanisms. Weak monitoring systems prevent stakeholders from assessing the effectiveness of victim support programs. The absence of standardized tracking tools makes it difficult to measure victim outcomes, service efficiency, and areas needing policy adjustments.[110]

- Establishing robust, technology-driven monitoring systems would enable authorities to track compensation claims, assess service impact, and enhance decision-making based on real-time data. Currently, limited statistical data on offline or online CSEA victims further hinders evidence-based policy development.[111] [112]

Training and Capacity Constraints

- The availability of trained professionals is inadequate, limiting the effectiveness of victim support services. Police officers, social workers, healthcare providers, and legal professionals often lack adequate training in child-centered approaches. Also, there is a shortage of specialized professionals trained in forensic child interviewing and trauma-informed care. Resource limitations prevent full-scale implementation of workforce development programs across provinces and training gaps persist in digital forensics and online exploitation investigations, as indicated in the NPAC's monitoring objectives. This results in inconsistent victim support, mismanagement of cases, and increased victim distress.[112] [113] [114]

- Emerging threats such as self-generated child sexual abuse material (CSAM) and technology-facilitated exploitation have outpaced specialized training programs. Many frontline workers lack the technical expertise to handle these evolving cases effectively. Continuous professional training is needed to equip service providers with modern intervention skills.[115] [116]

Geographic and Digital Disparities

- There is unequal access to victim support services across

108. Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse.* ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
109. Economist Impact (2022) *Out of the Shadows Index 2022 Global Report.* Available at: https://cdn.outoftheshadows.global/uploads/documents/Out-of-the-Shadows-Index-2022-Global-Report.pdf
110. Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse.* ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
111. Children's Institute, University of Cape Town (2024) *South African Child Gauge 2024. Cape Town: University of Cape Town.*
    Jamieson, L., Titi, N., & Vutu, S. (2022) *Closing the Gaps in Services That Respond to Violence Against Women and Children.* Cape Town: Children's Institute, University of Cape Town.
112. South Africa Department of Social Development (2019). South Africa National Plan of Action for Children 2019-2024. Pretoria: Government Printer. Available at: https://www.dsd.gov.za (Accessed: 13/08/2024).
113.
114. Public Protector South Africa (2024) *Systematic Investigation into Administrative Deficiencies Relating to Gender-Based Violence within South Africa.* Available at: https://www.mambaonline.com/2024/06/06/gbv-public-protector-reveals-shocking-state-of-sa-criminal-justice-system (Accessed: 12/12/2024).

different regions. Rural and marginalized communities face significant barriers in accessing essential psychological, legal, and social services. Resource shortages significantly hinder service effectiveness, particularly in underserved regions. Non-governmental organizations (NGOs) supplement government efforts by offering helplines, psychological support, and legal aid, especially in remote areas, however, service delivery remains inconsistent due to resource constraints. The digital divide further limits victims' ability to access online support services, such as helplines and digital counseling.[117] [118]

- Public awareness campaigns about available victim support services remain inconsistent, particularly in communities with low literacy and limited access to formal child protection networks.[119]

Limited Government Ownership of Child Helpline Services

- While Childline South Africa plays a crucial role in providing victim support, it operates as an independent NGO and relies heavily on donor funding. This creates sustainability challenges, as there is no fully government-operated child helpline providing direct, state-funded victim support services.[120]

- Referral mechanisms to in-person services, such as social workers and healthcare providers, are not always efficient, leading to delays in critical care.[55-73]

115. Disrupting Harm Report (2022) South Africa: Evidence on Online Child Sexual Exploitation and Abuse. ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
116. Public Protector South Africa (2024) Systematic Investigation into Administrative Deficiencies Relating to Gender-Based Violence within South Africa. Available at: https://www.mambaonline.com/2024/06/06/gbv-public-protector-reveals-shocking-state-of-sa-criminal-justice-system (Accessed: 12/12/2024).
117. Childline South Africa (2023) Support services for child abuse victims in South Africa, Available at: https://www.childlinesa.org.za/ (Accessed: 29/10/2024).
118. Hesselink, A.-M. E., & Clack, W. (2024) Rural Crime: A Proposed Victim Trauma Model for South Africa. International Journal of Rural Criminology, 8(4), 488–510.
119. U.S. Department of State (2024) Trafficking in Persons Report: South Africa. Available at: https://www.state.gov/reports/2024-trafficking-in-persons-report/south-africa/ (Accessed: 31/01/2025)
120. Childline South Africa. (n.d.). Crisis Line Services and Support. Available at: https://www.childlinesa.org.za/about/how-we-help/crisis-line/ (Accessed: 4 February 2025).

SECTOR 4: Society and Culture

OUTCOME

Children and young people are informed and empowered to protect themselves from child sexual abuse. Parents, carers, teachers and childcare professionals are better prepared to keep children safe from child sexual abuse, including addressing taboos surrounding sexual abuse.

CAPACITY 11: Child Sexual Exploitation and Abuse Hotline

To have a dedicated portal or reporting hotline for the public to report suspected cases of online CSEA. This line must work cooperatively with law enforcement and the technology industry.

RELEVANT ASPECTS:

- South Africa has established multiple hotlines and reporting portals to combat CSEA offline or online, ensuring victims and concerned individuals can report cases efficiently. However, increasing awareness and accessibility, particularly in underserved areas, remains essential.

Hotlines (Primarily for Reporting & Urgent Action)

- These services focus on reporting CSEA offline or online and other crimes, with escalation to law enforcement or international bodies:

  ◦ Film and Publication Board (FPB) Hotline – Reports CSAM and online exploitation; escalates cases to law enforcement and international partners like the IWF and INHOPE.

  ◦ South African Police Service (SAPS) Emergency Line – Criminal investigations for CSEA; handled by specialized units (FCS, Cybercrime).

  ◦ Child Welfare South Africa (CWSA) - Child Protection Hotline – Operates a toll-free number and focuses on reporting child protection concerns, including CSEA.

  ◦ Internet Watch Foundation (IWF) & MTN Portal – Serves a similar purpose to hotlines by providing a means to report CSAM, it operates exclusively online, offering a discreet and accessible option for users across Africa to report harmful content they encounter on the internet. Working with FPB for content takedown.

Helplines (Support, Counseling & Referrals (hybrid))

  ◦ Childline SA and DSD Helpline also serve a hybrid role, handling both support and case escalation. However, these services are more orientated to provide support, counseling, and assistance to victims and concerned individuals.

  ◦ Childline South Africa – 24/7 counseling for children and adults, handling both online and offline abuse, with referrals to child protection agencies.

  ◦ Department of Social Development (DSD) Helpline – Through

the Gender-Based Violence Command Centre (GBVCC), offers emotional support, counseling, and referrals for CSEA cases.

Law Enforcement & International Coordination

- Reports from FPB, Childline, and DSD are escalated to SAPS and child protection agencies.

- FPB, the only South African member of INHOPE, collaborates internationally to combat CSAM.

- SAPS partners with Interpol and U.S. Homeland Security for cross-border online exploitation cases such as cases from NCMEC CyberTip Report.

- Childline SA works with the International Centre for Missing and Exploited Children (ICMEC) for global reporting.

CAPACITY 12: Education Programmes

Each country should have a national education programme (including age-appropriate, accessible and inclusive content) to raise awareness of all forms of child sexual exploitation and abuse – empowering children, young people, parents, guardians, caregivers and practitioners with relevant information. Systematic training for professionals in education, social care and health.

RELEVANT ASPECTS:

- South Africa has implemented several initiatives to address offline and online CSEA. Various governmental agencies, private-sector partners, and NGOs have contributed to these efforts, integrating elements of digital safety into school curricula, public campaigns, and targeted outreach programs.

Legislative Frameworks Supporting Online CSEA Education

- While South Africa does not have a comprehensive national policy for online CSEA education, several legislative and policy frameworks include aspects of digital safety and online exploitation prevention. The Children's Act (No. 38 of 2005 & Amendments) mandates public education on children's rights and protection but does not explicitly address online CSEA risks. Similarly, the South African Schools Act (No. 84 of 1996) establishes regulations for safety within schools but lacks provisions that directly focus on digital child protection.

- The Cybercrimes Act (No. 19 of 2020) is an important legislative tool for combating online sexual exploitation, as it criminalizes Child Sexual Abuse Material (CSAM) and other forms of online abuse. However, it does not impose educational requirements related to online safety or CSEA prevention.

Awareness & Prevention - Government-Led Initiatives

- The Online Safety Integrated Programme, launched in February 2024, has been incorporated into the mandatory Life Orientation (LO) curriculum in South Africa and represents one of South Africa's most structured approaches to digital safety education. Developed through a collaboration between the DBE, Department of Communications and Digital Technologies (DCDT), Department of Social Development (DSD), the Film and Publication Board (FPB), UNICEF and Google, the programme provides structured lessons on cyberbullying, online grooming, and the dangers of CSAM. The Programme was developed in structured lessons for Grades 8 to 12 to ensure that online safety education is an integral part of the LO curriculum. For instance, in the Western Cape, the Online Safety Curriculum Guideline was integrated into Life Orientation for Grades 8 to 12, reaching approximately 350,000 students annually. The initiative targets students, teachers to effectively

deliver the content, and parents, ensuring a broad-based approach to digital safety awareness. The ongoing programme has been designed for nationwide implementation, including in rural schools, to ensure equal access to online safety education.[121]

- The Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools (2019)[122] and the e-Safety Guidelines (2018)[123] are both initiatives developed and endorsed by the South African Department of Basic Education (DBE). The Protocol established standard operating procedures for addressing allegations of sexual abuse and harassment within schools, detailing how institutions must respond to such reports to ensure a safe learning environment. The e-Safety Guidelines focus on promoting responsible and ethical use of Information and Communication Technology (ICT) in education, addressing issues such as cyberbullying, online privacy, and digital literacy. While these frameworks are not standalone educational public policies exclusively targeting OCSEA, they are integral components of South Africa's broader public policy framework for child protection. With further enhancements, these frameworks could evolve into comprehensive educational policies that effectively combat CSEA both offline and online, reflecting South Africa's commitment to safeguarding children through education.

Awareness & Prevention - Private-Sector & NGO-Led Initiatives

- Private-sector involvement has played a crucial role in expanding South Africa's online CSEA education initiatives. MTN's "Help Children Be Children" campaign, launched in 2022, introduced the Child Safety Online Africa Portal in partnership with the Internet Watch Foundation (IWF), ICMEC, Meta, and UNODC. This online platform provides educational resources for parents and teachers while enabling anonymous reporting of CSAM.[124]

- Google's "Be Internet Awesome" campaign (2022) has also contributed to digital safety education by using interactive storytelling and gamification to teach children about safe online behaviors. The initiative provides age-appropriate materials that focus on recognizing online risks and reporting harmful content.[125]

- Childline South Africa has integrated online safety education into its community outreach efforts. The organization offers online counseling for children who have experienced cyberbullying, grooming, or other forms of digital exploitation. Childline also runs awareness campaigns designed to educate parents and educators about online threats and the importance of proactive digital safety measures.[126]

Annual Campaigns

- 16 Days of Activism for No Violence Against Women & Children – The FPB and partners focus on digital child protection, raising awareness about online safety and CSEA.

- Child Protection Week – NGO-led awareness programs to educate communities about child protection laws, support services, and hotlines for reporting offline and online CSEA and other forms of abuse.

- Safer Internet Day – FPB, government agencies, and private stakeholders launched digital literacy and safety workshops

121. Department of Basic Education (DBE) 2024 *Online Safety Integrated Programme*. Available at: https://www.education.gov.za/ArchivedDocuments/ArchivedArticles/OnlineSafetyinEducation.aspx (Accessed 10/12/2024).
122. Department of Basic Education (DBE) (2019) *Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools*. Pretoria: DBE. Available at: https://www.education.gov.za/LinkClick.aspx?fileticket=wOQe8erj6TQ%3D&forcedownload=true&mid=8142&portalid=0&tabid=93 (Accessed 10/12/2024).
123. Department of Basic Education (DBE) 2018 *Guidelines on e-Safety in Schools: Educating towards responsible, accountable and ethical use of ICT in education*. Pretoria: Department of Basic Education. Available at: https://wcedonline.westerncape.gov.za/documents/eLearning/eLearningCircMins/minutes/del4_18.pdf (Accessed 10/12/2024).
124. Internet Watch Foundation (IWF) (2022) *Child Safety Online Africa Portal Launched by MTN and Partners*. Available at: https://www.bizcommunity.com/Article/196/23/226918.html [Accessed 11/12/2024]. MTN (2022) Help Children Be Children Campaign. Available at: https://www.bizcommunity.com/Article/196/23/226918.html (Accessed 11/12/2024).
125. Google (2022) *Be Internet Awesome: Digital Safety Education for Children*. Available at: https://beinternetawesome.withgoogle.com/ (Accessed 4/02/2025).
126. Childline South Africa. (n.d.). *Community Awareness & Prevention Programme*. Retrieved 4/02/2025, from https://childlinegauteng.co.za/services/community-awareness-prevention-programme/index.html

to educate youth on responsible internet use and reporting mechanisms.

Accessibility of Online Safety Education

- Recognizing the crucial role of parents, various initiatives provide them with the tools to safeguard their children. Childline Parent Workshops offer digital safety advice in multiple local languages to ensure inclusivity, while the Film and Publication Board (FPB) conducts awareness campaigns via television, radio, and social media, reaching parents across urban and rural areas with vital information on online risks and reporting mechanisms.

- Educators, as key stakeholders in child protection, are supported through dedicated training and resources. The Protocol for Reporting Online Exploitation Cases in Schools provides educators with clear guidelines for handling cases of digital abuse, ensuring a structured response within school environments. Additionally, e-Safety Educator Training Modules equip teachers with strategies to effectively integrate online safety lessons into their classrooms, reinforcing a nationwide effort to promote responsible digital citizenship.

- Efforts have been made to ensure that online safety education reaches all communities. Many campaigns provide multilingual learning resources, ensuring accessibility for diverse linguistic groups. Digital safety materials are distributed both online and through printed materials, enabling wider reach, including in areas with limited internet access. Additionally, community-based outreach programs help to ensure that rural and underserved communities receive the same level of digital safety education as urban populations.

CAPACITY 13: Child Participation

Each country should have children and young people encouraged and enabled to give ideas and influence policy and practice relating to offline and online CSEA. Child protection, children's rights frameworks, and trauma-informed practice are utilised when engaging children.

RELEVANT ASPECTS:

Legal and Policy Frameworks Supporting Child Participation

- South Africa's legislative framework provides for child participation in decision-making, aligning with both national and international legal standards. The *Constitution of the Republic of South Africa* (1996) recognizes children's rights, including their right to be heard in matters affecting them (Section 28). *The Children's Act (No. 38 of 2005)* further ensures that children capable of forming their own views have the right to express them freely in judicial and administrative proceedings (Section 10).

- To operationalize these rights, the National Child Participation Framework (NCPF) was developed by the Department of Social Development, in collaboration with Save the Children South Africa, providing structured guidelines for child participation across family, education, justice, and community settings. The framework emphasizes child-friendly environments and helps ensuring that children's perspectives are incorporated into policies affecting them.[127]

- South Africa's child participation frameworks are aligned with global commitments, including the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC).[128]

127. Department of Social Development & Save the Children South Africa (2018) National Child Participation Framework. Pretoria: Department of Social Development. Available at: https://www.savethechildren.org.za/sites/za/files/migrated_files/documents/e32b69e4-157c-45f0-aa4d-2b8fcd63387c.pdf (Accessed 29/10/2024).
128. United Nations Convention on the Rights of the Child (UNCRC) (1989) Convention on the Rights of the Child. New York: United Nations. African Union (1999) African Charter on the Rights and Welfare of the Child. Addis Ababa: African Union.

Nelson Mandela Children's Parliament (NMCP)

- The Nelson Mandela Children's Parliament (NMCP), launched in 2011 by the Nelson Mandela Children's Fund, in partnership with the Department of Social Development and Parliament of South Africa, provides a national platform for children to engage in governance and voice their concerns on issues affecting them. The NMCP includes representation from all nine provinces, ensuring diversity and inclusivity. Participants are selected through provincial preparatory sessions, ensuring that children from both urban and rural areas, as well as those with disabilities, are represented.[104]

- The NMCP holds annual sittings, with the 11th session in July 2023 focusing on "Maximising the Voices of Children in Addressing Social Ills Affecting Them." Discussions in the NMCP typically cover gender-based violence, substance abuse, child exploitation, and access to education and healthcare. The NMCP collaborates with key stakeholders, including Save the Children South Africa, UNICEF, and the Nelson Mandela Children's Fund, to ensure an inclusive and multi-sectoral approach to child participation.[130]

Child Participation in Governance and Policy-Making

- Children in South Africa engage in various governance and policy-related discussions through national consultations, public hearings, and stakeholder forums. The National Child Participation Framework (NCPF) outlines processes for children to participate in decision-making across multiple sectors, including education, social development, and justice.[131]

- In collaboration with civil society organizations, the government facilitates child-led consultations to integrate their voices into

policy discussions. These forums have contributed to shaping policies and for the participation of children in national processes, including the Presidential Summit on Gender-Based Violence and Femicide (GBVF) and public consultations for social development policies.[105]

Child Participation in Addressing OCSEA

- South Africa has involved children in discussions about OCSEA through national research initiatives and advocacy campaigns. One of the most comprehensive studies, Disrupting Harm in South Africa (2022) , conducted by UNICEF, ECPAT International, and Interpol, examined the prevalence and impact of OCSEA. The study gathered children's perspectives on online grooming, coercion to produce sexual content, and barriers to reporting abuse. Findings from this report have contributed to awareness campaigns and law enforcement strategies under the Cybercrimes Act (2020).

- Childline South Africa's "Amplifying Children's Voices" Digital Safety Survey (2021) collected children's views on digital exploitation risks, online safety education, and trust in reporting mechanisms. Insights from this survey have helped inform digital literacy campaigns, school-based training programs, and improvements in online reporting tools.

- Government-led national consultations with children, in collaboration with Save the Children South Africa, have provided input into policies addressing OCSEA prevention, digital safety education, and online child protection. These discussions have contributed indirectly to programs such as the Online Safety Integrated Programme (2024) and the development of digital protection strategies for schools.[135]

129. Nelson Mandela Children's Fund (2012) Annual Report 2012. Johannesburg: Nelson Mandela Children's Fund.
130. Department of Social Development (2023) 11th Sitting of the Nelson Mandela Children's Parliament: Maximising the Voices of Children in Addressing Social Ills Affecting Them. Pretoria: Government of South Africa.
131. Department of Social Development & Save the Children South Africa (2018) National Child Participation Framework. Pretoria: Department of Social Development.
132. Jamieson, L. & Manjang, H. (2024) A Critical Review of South Africa's Child Participation Frameworks. University of Cape Town.
133. Disrupting Harm Report (2022) South Africa: Evidence on Online Child Sexual Exploitation and Abuse. ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
134. Childline South Africa (2021) Amplifying Children's Voices: Child Protection Week 2021 Report. Childline SA.
135. Department of Basic Education (2022) Protocol for Reporting and Managing Sexual Abuse and Harassment in Schools. Pretoria: Department of Basic Education.

CAPACITY 14: Offender Prevention and Support Systems

Each country should have a support to prevent people with a sexual interest in children from abusing or accessing child sexual abuse material. Support should be provided for convicted offenders as part of rehabilitation response as well as specialised support for children displaying harmful sexual behaviour.

RELEVANT ASPECTS:

Rehabilitation Programs Specific to Child Sex Offenders (CSOs)[136]

- In South Africa, child sex offenders (CSOs) have access to rehabilitation within correctional facilities through structured programs managed by the Department of Correctional Services (DCS). These programs aim to address deviant sexual behaviors, reduce recidivism, and facilitate reintegration into society.

- *The Sexual Offender Treatment Program (SOTP)* is a key intervention aimed at addressing the underlying behaviors and thought patterns of sexual offenders. It employs Cognitive Behavioral Therapy (CBT) to help offenders recognize and alter deviant sexual thoughts and behaviors. A critical component of this program is victim empathy training, which encourages offenders to understand the impact of their crimes on victims. Additionally, emotional regulation techniques and relapse prevention strategies are integrated into the therapy process. Participation in structured therapy sessions is a prerequisite for parole consideration, ensuring that offenders demonstrate behavioral progress before reintegration into society.

- Under *Correctional Supervision and Parole Conditions* for CSOs, convicted child sex offenders placed on parole are subject to strict monitoring and mandatory participation in reintegration programs. These programs help parolees transition back into society while reducing the risk of reoffending. The Sex Offender Register, established under the Criminal Law (Sexual Offences and Related Matters) Amendment Act, places restrictions on CSOs, particularly preventing them from working with children. In some cases, parolees are required to check in with law enforcement authorities regularly and attend ongoing counseling sessions as part of their parole conditions.

- In South Africa, when child sex offenders (CSOs) are parents, family members, or legal guardians, the restoration of their parental rights is not automatic upon reintegration into society. A comprehensive assessment is conducted to evaluate the risk posed to the child, considering factors such as psychological evaluations, the offender's behavior post-rehabilitation, and the nature of the original offense. If the court determines that supervised contact is in the child's best interest, such interactions are closely monitored by social services to ensure the child's safety and well-being.

- The *Restorative Justice Programs for CSOs* focus on accountability and harm repair by engaging offenders in victim-offender dialogues. These programs provide an opportunity for offenders to acknowledge the consequences of their actions and take responsibility for the harm caused to victims and communities. Probation officers monitor participation in these programs, ensuring that CSOs demonstrate genuine behavioral change and comply with reintegration requirements.

Risk Assessment and Classification of Child Sex Offenders

- DCS classifies CSOs based on risk levels and offense severity

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136. Department of Correctional Services (DCS) (2022) Reducing Reoffending Through Rehabilitation and Reintegration in South Africa. Pretoria:Government of South Africa. Available at: https://www.dcs.gov.za [Accessed 5 Feb. 2025].

to determine appropriate rehabilitation pathways and release conditions. The Correctional Sentence Plan (CSP) assesses:

- Likelihood of reoffending (measured through psychological evaluation).

  » Level of deviant sexual attraction and compulsive behavior.
  » Offender's willingness to engage in therapy and rehabilitation.

- High-risk CSOs are placed in intensive intervention programs with ongoing psychological monitoring, while low-risk offenders may be eligible for community-based rehabilitation upon release.

Diversion Programs for Juvenile CSOs

- In South Africa, the *Child Justice Act 75 of 2008*[13] provides a framework for addressing juvenile offenders, including those involved in sexual offences. Section 53(2)(b) of the Act allows youth sex offenders (aged between 10 and 17) who take responsibility for their actions to be referred to compulsory sex offenders' residential diversion programs at youth secure care centers. These centers operate under governmental oversight, primarily through the Department of Social Development (DSD) and the Department of Justice and Constitutional Development (DOJ&CD), with probation officers and social workers playing a key role in assessment, referral, and program facilitation. These programs focus on rehabilitation rather than punitive measures, aiming to reduce recidivism and support reintegration into society. One such program is the Sex Offender Residential Diversion Programme, which provides therapeutic intervention in a structured setting. Juvenile CSOs undergo psychological and behavioral therapy,

facilitated by trained professionals, with a focus on accountability, victim empathy, and relapse prevention strategies. These interventions align with restorative justice principles, promoting offender rehabilitation while addressing harm done to victims. The "In the Mirror: Sexual Offender Programme" is also a therapeutic diversion initiative developed by the South African Department of Social Development, specifically designed for children aged 13 to 17 who have committed sexual offenses. The primary goal of the program is to assist these young offenders in refraining from future sexual offenses by addressing and modifying harmful behavior patterns.[137]

- Additionally, Section 73 of the Act outlines restorative justice sentencing options, such as family group conferences and victim-offender mediation, which serve as alternatives to traditional custodial sentences. These measures aim to promote accountability and facilitate rehabilitation by encouraging young offenders to acknowledge the impact of their actions and engage in constructive dialogue with victims. The National Institute for Crime Prevention and Reintegration of Offenders (NICRO) offers various diversion and rehabilitation programs for juvenile offenders in South Africa. One such initiative is the Youth Empowerment Scheme (YES), a life skills program designed to influence major social and psychological factors contributing to early involvement in delinquent and high-risk behaviors. The program seeks to enhance resilience, personal self-management, and social skills among young offenders.[138] However, specific information regarding the inclusion of juvenile child sex offenders in these programs is not readily available, and given the sensitive nature and severity of sexual offenses, specialized interventions are often required. Historically, certain offenses, such as rape, have been excluded from diversion programs like the Youth Empowerment Scheme.[139]

137. Department of Social Development. (2024, August 19). *Mirror Yourself for Better Understanding and Self-Acceptance – Child Sex Offenders*. Retrieved from https://dsdnews.org/mirror-yourself-for-better-understanding-and-self-acceptance-young-sex-offenders/

138. National Institute for Crime Prevention and Reintegration of Offenders (NICRO), 2022. *Youth Empowerment Scheme (YES) and Diversion Programs for Juvenile Offenders in South Africa*. NICRO Annual Report 2022-2023. Available at: www.nicro.org.za (Accessed 29/10/2024).

139. Gxubane, T. (2018) *Reintegration Challenges of Youth Who Were Diverted into a Residential Sex Offenders Programme in South Africa*. Youth Voice Journal. Available at: https://youthvoicejournal.com (Accessed 29/10/2024).

- Community-based organizations play a significant role as well in the rehabilitation and reintegration of juvenile offenders in South Africa. For example, the Restorative Justice Centre (RJC) is actively involved in peacebuilding and conflict resolution initiatives, facilitating dialogue between victims, offenders, and community members. Through restorative justice approaches, the RJC aims to repair harm, promote accountability, and support the reintegration of young offenders into society. However, there was no particular mention that RJC have worked with juvenile sex offenders specifically. Though, these initiatives underscore the importance of community engagement in the rehabilitation process, recognizing that family and social support structures are crucial in preventing recidivism and fostering long-term behavioral change.

CAPACITY 15: Informed and Ethical Media Reporting

Each country should have evidence-based and sensitive reporting that respects victims' and survivors' rights and dignity.

RELEVANT ASPECTS:

- In South Africa, ethical reporting of crimes involving children is guided by legal frameworks and media self-regulation mechanisms that aim to protect minors from harm, uphold their rights, and ensure responsible journalism. These regulations align with international child protection standards and emphasize the principle of acting in the best interests of the child.

- The *Constitution of South Africa (1996)* is the foundation for child protection in media reporting. Section 28(2) of the Bill of Rights states that *"a child's best interests are of paramount importance in every matter concerning the child."*[140] This provision extends to media practices, requiring journalists and news outlets to ensure their reporting does not expose children to harm or infringe on their rights. The Press Code of Ethics and Conduct for South African Print and Online Media[141], enforced by the Press Council of South Africa (PCSA), establishes ethical guidelines that prohibit the identification of child victims, witnesses, or offenders unless explicitly authorized by a legal guardian and when it serves the child's best interests. It further prohibits the use of exploitive language, imagery, or reporting that could endanger a child's safety.

- The *Children's Act 38 of 2005* reinforces child protection, particularly Section 110, which mandates the reporting of child abuse or neglect. Media coverage that reveals a child's identity in cases of abuse or exploitation is considered a violation of child protection laws unless authorized by a court[142] *The Child Justice Act 75 of 2008*[14] applies to children in conflict with the law, prohibiting the publication of identifying information about juvenile offenders, victims, or witnesses during criminal proceedings to ensure the child's rehabilitation and reintegration into society. Additionally, the *Films and Publications Act 65 of 1996 (Amended in 2019)* regulates media content to protect children from harmful exposure, including child sexual abuse material (CSAM). Section 24E prohibits the distribution of material that may harm or exploit children, while Section 18F mandates content classification to prevent children from accessing inappropriate media.

- Media self-regulation in South Africa is facilitated by the Press

140. South Africa (1996) *Constitution of the Republic of South Africa, 1996.* Pretoria: Government Printer. Available at: https://www.justice.gov.za/legislation/constitution/SAConstitution-web-eng.pdf (Accessed: 13/08/2024).
141. Press Council of South Africa (PCSA) (2019) *Press Code of Ethics and Conduct for South African Print and Online Media,* Johannesburg: PCSA. Available at: https://www.iabsa.net/assets/Usedebbieiabsanet/Press_Code%2C_new%2C_wef_January_2019.pdf (Accessed 05/01/2025).
142. Press Council of South Africa (PCSA) (2019) *Press Code of Ethics and Conduct for South African Print and Online Media,* Johannesburg: PCSA. Available at: https://www.iabsa.net/assets/Usedebbieiabsanet/Press_Code%2C_new%2C_wef_January_2019.pdf (Accessed 05/01/2025).

Council of South Africa (PCSA) and the South African National Editors' Forum (SANEF)[143]. These organizations work with news organizations, journalists, and editors to uphold ethical standards and ensure that media reporting is truthful, responsible, and mindful of children's rights. The PCSA adjudicates public complaints against media outlets that violate ethical guidelines concerning child reporting. The Public Advocate and the Press Ombud handle complaints about misreporting, exploitation, and unethical exposure of children in media. SANEF conducts training programs and policy research on ethical media practices, including how journalists should report on children, and has developed resources such as "Children, Media, and the Law," which outlines the legal and ethical responsibilities of media professionals when reporting on minors.[93]

- Media Monitoring Africa (MMA), in partnership with UNICEF South Africa, launched the "Reporting on Children in the Media" course in 2021 through the University of the Witwatersrand. This accredited journalism course trains journalists to ethically report on children's issues, ensuring they uphold the principles of dignity, privacy, and protection.[144]

- Ethical media reporting on crimes involving children follows three primary ethical principles. Journalists must obtain consent from a legal guardian or responsible adult before interviewing, photographing, or identifying a child. The child's evolving capacity and understanding should also be considered in the decision-making process. Media outlets must avoid revealing personal information that could expose a child's identity in cases of abuse, criminal proceedings, or exploitation. Courts may authorize the release of certain details if it serves the child's best interests and does not expose them to harm. Furthermore, child pornography and explicit imagery of minors are strictly prohibited under the Films and Publications Act, and any inappropriate, degrading, or harmful portrayal of children in the media is subject to legal and regulatory action.

GAPS Sector 4: Society and Culture

Lack of a Government-Led OCSEA Hotline

- South Africa does not have a government-operated hotline exclusively for offline and online CSEA reporting and support. Existing hotlines, mostly NGO-run, handle multiple forms of abuse but are not centralized under a specialized, unified national service. This fragmentation leads to delays, inefficiencies, and confusion in the reporting process, especially for victims and caregivers in rural areas.[145]

Inconsistent Implementation of Online Safety Education

- While the DBE launched the Online Safety Integrated Programme (2024), its implementation remains uneven across schools, particularly in rural and underserved communities. Factors such as teacher training gaps, resource disparities, and inconsistent internet access affect the program's reach and effectiveness. The *Rural schools and tech use for sustainability: The challenge of disconnection. Education and*

143. South African National Editors' Forum (SANEF) (2018) *Children, Media, and the Law: Ethical Guidelines for Journalists.* Pretoria: SANEF. Available at: https://sanef.org.za/wp-content/uploads/2020/09/Discussion-Document-Children-media-and-the-law-FINAL-min-1.pdf (Accessed 05/01/2025).

144. Media Monitoring Africa (MMA) & UNICEF South Africa (2021) *Reporting on Children in the Media Course.* Johannesburg: MMA. Available at: https://www.mediamonitoringafrica.org/media-release-reporting-on-children-in-the-media-course-launches-to-strengthen-journalism-on-child-rights-issues/ (Accessed 05/01/2025).

145. Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse.* ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).

Information Technologies' Report[146] highlights that rural schools face additional challenges due to infrastructure deficits, high costs of digital access, and weak internet connectivity, despite being in proximity to network masts. Many educators lack digital literacy training, and schools often rely on outdated teaching tools, such as chalkboards, due to non-functional smartboards and a shortage of laptops and tablets. The report further notes that socioeconomic constraints limit students' ability to engage in digital learning, with many unable to afford data or personal devices.

Limited Monitoring and Evaluation of OCSEA Education

- There is no robust national mechanism to assess whether OCSEA education programs are effectively reducing online risks for children. Without consistent tracking of knowledge retention, behavioral impact, and risk reduction, the long-term success of these initiatives remains unclear.[147]

Limited Representation of Children in OCSEA Policy Development

- While South Africa's National Child Participation Framework (NCPF) exists, OCSEA-specific policy discussions rarely engage children directly. Young people are not consistently consulted in policy development, law reform, or national action plans focused on digital safety and OCSEA prevention. Their exclusion risks developing strategies that fail to address real online risks experienced by youth.[148]

Absence of Long-Term Impact Monitoring on Child Participation

- Even when children are included in forums like the Nelson Mandela Children's Parliament (NMCP), there is no structured mechanism to track whether their input influences national OCSEA policies. This lack of accountability and follow-up reduces the impact of child participation efforts.[149]

Absence of Preventive Support for Individuals at Risk of Offending

- South Africa has historically focused on responsive measures to child sexual abuse (CSA), such as the establishment of the National Register for Sex Offenders (NRSO), which records individuals convicted of sexual offenses against children and mentally disabled persons. There are no established programs or helplines that offer confidential support targeting individuals who recognize their problematic sexual thoughts but have not committed any offenses, as a preventive strategy.[150] While organizations like Childline South Africa and the TEARS Foundation provide crucial services addressing child abuse and support for survivors, they do not specifically cater to individuals seeking help for such thoughts. In contrast, countries like Germany (Prevention Project Dunkelfeld) provide anonymous, therapy-based interventions to prevent OCSEA-related offenses before they occur. The absence of such services in South Africa limits early intervention efforts.[151]

146. Ahiaku, P. K., Uleanya, C., & Muyambi, G. C. (2025) *Rural schools and tech use for sustainability: The challenge of disconnection.* Education and Information Technologies. https://doi.org/10.1007/s10639-024-13311-9 [Accessed 20/01/2025].
147. African Union (2020) *Strategy and Plan of Action 2020–2025: Strengthening Regional and National Capacity and Action Against Online Child Sexual Exploitation and Abuse in Africa.* African Union Commission. Retrieved from https://au.int/
148. Centre for Innovation, University of Cape Town (2024) *Critical Review of South Africa's Child Participation Frameworks: Evaluating Inclusion in Digital Safety and OCSEA Policy Discussions.* University of Cape Town. Retrieved from https://ci.uct.ac.za/sites/default/files/media/documents/ci_uct_ac_za/533/ci-iccrp-child-participation-report-2024.pdf
149. Centre for Innovation, University of Cape Town (2024) *Critical Review of South Africa's Child Participation Frameworks: Evaluating Inclusion in Digital Safety and OCSEA Policy Discussions.* University of Cape Town. Retrieved from: https://ci.uct.ac.za/sites/default/files/media/documents/ci_uct_ac_za/533/ci-iccrp-child-participation-report-2024.pdf
150. Madimola, T. & Wilson, L. (2024) 'Prevention Strategies Applied to Prevent Child Sexual Abuse in High-Risk Communities in the North West Province: A Qualitative Exploration', Child Abuse Research: A South African Journal, 25(2), pp. 1–17. Available at: https://journals.co.za/doi/full/10.10520/ejc-carsa_v25_n2_a1 (Accessed: 20/01/2025).

While the introduction of a confidential support program for individuals with problematic sexual thoughts could enhance early intervention efforts in South Africa, careful consideration must be given to cultural sensitivities, potential stigmatization, and resource constraints. Engaging with community leaders, mental health professionals, and policymakers is essential to assess the feasibility and acceptance of such an initiative within the South African context.

Limited Nationwide Availability of OCSEA Offender Rehabilitation Programs

- While rehabilitation programs exist for convicted sex offenders, their implementation varies across correctional facilities. Not all CSOs receive equal access to rehabilitative services, due to overcrowding, resource shortages, and limited access to specialized interventions. The shortage of trained psychologists and social workers hinders the effectiveness of rehabilitation programs in reducing recidivism, including those addressing online grooming, CSAM possession, and technology-facilitated crimes. While the Department of Correctional Services provides offender reintegration initiatives, post-release monitoring and psychological support remain inadequate, leaving many offenders without the necessary structured supervision and mental health care, thereby increasing the risk of reoffending.[152] [153]

Inconsistent Adherence to Ethical Guidelines in OCSEA Reporting

- Despite the existence of ethical guidelines for media reporting on child exploitation, adherence is not uniform across South African news outlets. Instances of child victims being identified in OCSEA cases suggest that some media organizations fail to consistently follow press regulations, which can lead to further victimization and legal violations.[154]

Lack of Specialized OCSEA Training for Journalists

- Most journalists and editors lack specialized training on OCSEA reporting. While general child-sensitive reporting guidelines exist, there are no mandatory training programs to equip journalists with knowledge on OCSEA-related ethical challenges, digital safety laws, and responsible media engagement with child victims of online crimes. This gap contributes to misreporting, sensationalism, and privacy breaches.[155]

151. Beier, K. M., Nentzl, J., von Heyden, M., Fishere, M., & Amelung, T. (2024) *Preventing Child Sexual Abuse and the Use of Child Sexual Abuse Materials: Following up on the German Prevention Project Dunkelfeld.* Journal of Prevention, 45(881–900). https://doi.org/10.1007/s10935-024-00792-0

152. Symkovych, A. (2023) *Narratives of Rehabilitation in a South African Prison.* Social Problems, XX, 1–17. Retrieved from: https://doi.org/10.1093/socpro/spad040

153. Department of Correctional Services (2022) *Reducing Reoffending Through Rehabilitation and Reintegration – South Africa.* Pretoria: Department of Correctional Services. Retrieved from: https://www.unodc.org/documents/justice-and-prison-reform/ReducingReoffending/MS/South_Africa_-_SOUTH_AFRICA_REDUCING_REOFFENDING_THROUGH_REHABILITATION_AND_REINTEGRATION_August_2022.pdf

154. Rikhotso, M. (2022) *State of Children in South African Media – An Analysis of Media's Coverage of Children in 2022.* Media Monitoring Africa. Retrieved from: https://www.mediamonitoringafrica.org/media-release-launch-of-the-report-on-the-state-of-media-coverage-of-childre n-in-south-africa

155. Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse.* ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).

SECTOR 5: Industry

OUTCOME

The public can proactively report child sexual abuse offences. Industry has the power and willingness to block and remove child sexual abuse material online and proactively address local offline and online child sexual abuse issues.

CAPACITY 16: Takedown Procedures and Reporting

Each country should have local removal and blocking of child sexual abuse material online. Procedures are in place for timely removal of CSAM when a company confirms its presence. Statutory protections for industry to report CSAM, including content transmission to law enforcement or a designated agency. Global and cross-sector collaboration.

RELEVANT ASPECTS:

Legal Framework for CSAM Reporting and Removal

- South Africa has a well-defined legal framework requiring Internet Service Providers (ISPs) and other technology-related entities to report and remove Child Sexual Abuse Material (CSAM).

- The *Cybercrimes Act* (2020, Section 54) requires mandatory reporting of CSAM-related offenses to SAPS within 72 hours. Service providers must preserve evidence for investigation, with non-compliance constituting a criminal offense.

- The *Films and Publications Act* (Amendment, 2019) mandates ISPs to register with the Film and Publication Board (FPB). It imposes an obligation to report and disable access to CSAM, prevent further distribution, and preserve evidence for law enforcement purposes.

- The *Electronic Communications and Transactions Act* (2002, Section 78) establishes service provider liability for hosting unlawful content. It outlines the legal framework under which service providers can be held accountable for third-party content and the conditions under which they must act.

- The *Sexual Offenses and Related Matters Amendment Act* (2007) requires immediate reporting of suspected child sexual offenses to SAPS, with penalties for non-compliance.

- The *Prevention and Combating of Trafficking in Persons Act* (2013) places obligations on electronic service providers to ensure that their platforms are not misused for trafficking or the exploitation of minors. Service providers must report any suspicious material or activity that could facilitate trafficking.

Industry Compliance

South African legislation mandates Internet Service Providers (ISPs) and electronic communication service providers (ECSPs) to report and prevent

access to CSAM. The Compliance measures require immediate content removal and mandatory reporting to the South African Police Service (SAPS) and the Film and Publication Board (FPB), which coordinates efforts between industry stakeholders and law enforcement agencies.

- The Internet Service Providers' Association (ISPA) supports ISPs in complying with takedown obligations by operating a takedown notice process, allowing for the swift removal of unlawful content, including CSAM. ISPA also collaborates with FPB and SAPS, reinforcing industry-wide compliance with CSAM reporting and prevention requirements.

Reporting Mechanisms

The Film and Publication Board (FPB) also plays a regulatory role in online content management, with a dedicated reporting hotline and an online portal, facilitating public and industry reports of CSAM for further investigation.

- Reports of CSEA and OCSEA in South Africa can also be made through multiple channels. Cases can be reported at SAPS police stations or through the emergency police hotline (available 24/7), where they are referred to the FCS Unit for investigation.

- GBV Command Centre helpline is a 24/7 emergency response facility managed by the DSD. It was established to provide immediate assistance, counseling, and referral services for victims of gender-based violence (GBV), child abuse, and domestic violence, including cases involving CSEA and OCSEA.

- Civil society organizations such as Childline South Africa provide 24/7 support toll-free helpline and online chat services offering counseling and assistance to children and adults reporting abuse, exploitation, or concerns about CSEA and OCSEA.

- Thuthuzela Care Centres (TCCs) managed by the NPA, offer one-stop support services for victims of sexual offenses, including child victims. Services include reporting assistance, counseling, medical care, and referrals for further investigations.

Current Enforcement and Regulatory Landscape[156]

- South Africa's CSAM takedown procedures are structured around legal obligations, industry collaboration, and reporting mechanisms. ISPs and digital service providers are required to immediately disable access to identified CSAM and ensure law enforcement is notified for investigation. However, blocking or filtering mechanisms are not explicitly mandated by law, and service providers act upon complaints received through hotlines or customer service reports. In cases where legal action is required, SAPS may issue subpoenas under the *Criminal Procedure Act* (1977) to obtain additional data from ISPs for forensic investigation. The takedown process primarily relies on reactive measures rather than proactive detection, with enforcement varying across different service providers.[157]

- The FPB is the entity monitoring compliance, working alongside law enforcement agencies, ISPs, and international partners to address CSAM proliferation. While takedown requests are legally enforceable, the speed and efficiency of execution depend on ISP cooperation and the availability of investigative resources within SAPS and the National Prosecuting Authority (NPA).

Project 107

- The SALRC released Discussion Paper 149 for Project 107, would significantly enhance the country's approach to takedown procedures for Child Sexual Abuse Material (CSAM). By proposing a centralized framework that clarifies the obligations of Internet Service Providers (ISPs) and Electronic Communication Service

156. Multiple Participants (2024) *South Africa OCSEA MRC Questionnaire – Sector 5 - Industry*. Internal document provided to ICMEC for the MRC Assessment, December 2024.
157. Multiple Participants (2024) *South Africa OCSEA MRC Questionnaire – Sector 5 - Industry*. Internal document provided to ICMEC for the MRC Assessment, December 2024.
158. South African Police Service. (n.d.). Forensic Science Laboratory | Ballistic Unit. Retrieved from https://www.saps.gov.za/faqdetail.php?fid=6

Providers (ECSPs), the project would ensure these entities take prompt action to prevent the hosting and distribution of CSAM. This includes mandatory reporting of such material and granting law enforcement adequate time to investigate before access is restricted. Additionally, Project 107 emphasizes the modernization of digital evidence collection and preservation protocols, streamlining processes for South African Police Service (SAPS) and the National Prosecuting Authority (NPA).

CAPACITY 17: Innovative Solution Development

Each country should have technological solutions to prevent and address child sexual exploitation and abuse online.

RELEVANT ASPECTS:

- South Africa has established a secure digital evidence storage infrastructure to support investigations and prosecutions related to Child Sexual Abuse Material (CSAM). The South African Police Service (SAPS) manages digital forensic laboratories within the Forensic Science Laboratory (FSL) and specialized Cybercrime and Serial and Electronic Crimes Investigation Units, which securely store electronic evidence, including CSAM, under strict chain-of-custody protocols.[158]

- The National Prosecuting Authority (NPA) collaborates with law enforcement agencies to manage digital evidence for judicial proceedings. While plans were announced in August 2024 to establish a dedicated digital evidence unit, its operational status remains unconfirmed at the time of writing[159]. Until the unit becomes fully functional, digital evidence related to cybercrimes and CSAM cases continues to be managed primarily by SAPS forensic, Cybercrime and SECI units.

At present, South Africa's industry-wide CSAM detection systems remain limited and reactive, primarily relying on user-reported complaints.

- While national legislation mandates companies to establish internal reporting structures for OCSEA incidents, the extent of industry-wide training and personnel awareness programs varies. Larger ISPs and telecommunications providers have dedicated compliance teams, while smaller service providers often lack specialized personnel and resources to effectively identify and report CSAM.

- The Films and Publications Board (FPB) plays a role in public awareness and education on OCSEA. It conducts campaigns, workshops, and training sessions to educate the public about online safety and reporting mechanisms. The FPB also provides guidance tools for recognizing and reporting OCSEA, such as resources on grooming behaviors, sextortion, and child exploitation risks.[160] [161]

- South Africa collaborates with international organizations such as Interpol, the Internet Watch Foundation (IWF), and the National Center for Missing and Exploited Children (NCMEC) to enhance its ability to detect and investigate CSAM.[162]

159. Mail & Guardian (2024) *NPA to get private sector forensic help.* Available at: https://mg.co.za/news/2024-08-14-npa-to-get-private-sector-forensic-help
160. Films and Publications Board (FPB) (n.d.) *Outreach and Public Awareness.* Available at: https://fpb.org.za/outreach-and-public-awareness/ (Accessed: 14/12/2024).
161. Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse.* ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
162. Multiple Participants (2024) *South Africa OCSEA MRC Questionnaire – Sector 5 - Industry.* Internal document provided to ICMEC for the MRC Assessment, December 2024.

CAPACITY 18: Corporate Social Responsibility

Each country should have a child protection and safeguarding policies, due diligence and remediation that address child sexual exploitation and abuse online.

RELEVANT ASPECTS:

Corporate Responsibility in South Africa's Digital Sector

- In South Africa, telecommunications companies, Internet Service Providers (ISPs), and technology firms play a significant role in promoting responsible business conduct by implementing child protection policies, content moderation measures, and digital safeguarding initiatives. However, national legislation does not explicitly mandate ISPs to offer user guidance tools, leaving much of the responsibility to government agencies and civil society organizations.[163] [164]

- Companies such as MTN, Vodacom, and Telkom dominate the telecommunications market, while ISPs like Afrihost, Cool Ideas, and Rain provide a mix of fiber, LTE, and 5G connectivity services. These service providers enable access to online platforms, applications, and digital content, making them critical stakeholders in preventing and addressing OCSEA and CSAM.

- The *Cybercrimes Act (2020)* and the *Films and Publications Act (Amendment, 2019)* create legal obligations for digital service providers to report and prevent access to CSAM, reinforcing corporate responsibility in the digital ecosystem. The Internet Service Providers' Association (ISPA) supports its members in complying with these regulations by facilitating takedown notices and working in partnership with the Film and Publication Board

(FPB) and SAPS. While there is no legally mandated requirement for ISPs to provide child safeguarding resources, some companies offer content filtering services, parental controls, and online safety awareness initiatives as part of their corporate policies.

Child-Safe Digital Platforms and Applications[165]

- Both national and international technology companies provide child-focused applications that support educational development and online safety. Locally developed apps such as Mzanzi Kids, Xander Apps, and Ambani Africa focus on language learning, digital literacy, and interactive education, offering multilingual content aligned with South Africa's educational curriculum. These applications promote cultural relevance and inclusivity, ensuring accessibility for children across diverse linguistic backgrounds.

In South Africa, several applications and tools have been developed to enhance online safety for children by incorporating content moderation features. Kaspersky Safe Kids Application offers a parental control application that enables parents to manage screen time, track geolocation, and block access to age-inappropriate content, encompassing both general web browsing and specific applications. The application tracks websites visited by your child and can restrict access to sites with inappropriate content. This feature is compatible with major browsers such as Google Chrome, Mozilla Firefox, and Microsoft Edge on Windows devices. In addition, the software detects all installed applications on the child's device, allowing parents to monitor usage, block access, or set time limits for each app. This includes social media platforms, games, and educational tools. This tool assists in safeguarding children from exposure to harmful online material. Another example of local integration of content moderation

163. Films and Publications Board (FPB) (n.d.) Outreach and Public Awareness. Available at: https://fpb.org.za/outreach-and-public-awareness/ (Accessed: 14/12/2024).
164. Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse.* ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
165. Meltwater (2024) *Social Media Statistics in South Africa: Online User Behavior Trends.* Available at: https://www.meltwater.com/en/blog/social-media-statistics-south-africa (Accessed: 10/12/2024).

features is KIDO'Z, a content discovery platform designed for children, offering a child-friendly environment for exploring the internet. It features a smart content engine that filters and personalizes content based on variables such as age, gender, and language. All content is moderated and approved by a moderation team before being accessible to children, ensuring a safe browsing experience.

- In addition to national applications, international platforms such as YouTube Kids, Duolingo, Khan Academy Kids, and Lingokids are widely used in South Africa, offering interactive learning experiences and digital entertainment tailored to young users. Many of these platforms integrate child safety features, including content moderation tools, controlled access settings, and in-app reporting mechanisms. The availability of South Africa's mobile and internet infrastructure facilitates broad adoption of these digital tools, enabling children and families to engage with safe and educational online content.

Corporate Safeguarding Initiatives and Industry Collaboration

- Telecommunications companies in South Africa, such as MTN and Vodacom have adopted corporate safeguarding measures, including content filtering services and digital literacy campaigns that promote safe internet use for children. These companies also collaborate with child protection organizations, such as Childline South Africa and UNICEF, to enhance public awareness and provide support for victims of OCSEA.

GAPS Sector 5: Private Sector

Inconsistent Takedown Procedures and Reporting Mechanisms[166]

- The absence of uniform mandatory procedures among Internet Service Providers (ISPs) and electronic communication service providers (ECSPs) leads to delays in the removal of Child Sexual Abuse Material (CSAM). Inconsistent compliance among service providers creates gaps in enforcement, making it difficult for law enforcement to act swiftly.[167]

- Insufficient public awareness of existing reporting mechanisms for CSAM results in underreporting of such content. Enhancing public knowledge about how to report CSAM is crucial for timely intervention.[168]

- In South Africa, blocking content hosted on international platforms presents jurisdictional challenges, as South African authorities lack direct enforcement power over content stored abroad. While ISPs can implement domain-based or IP-based blocking, users often circumvent such restrictions using virtual private networks (VPNs) or alternative access methods. Unlike some countries that maintain nationwide blocking lists, South Africa does not have a centralized system to automatically filter out CSAM at the network level, relying instead on individual ISP compliance. As a result, effective content removal largely depends on international cooperation, law enforcement requests, and voluntary compliance by global platforms hosting the material.[169]

Insufficient Development and Adoption of Innovative Solutions

- The integration of artificial intelligence (AI) and machine learning tools for proactive detection and prevention of OCSEA and SCAM is minimal within the industry sector. This gap limits the ability to identify and respond to threats in real-time.

- There is no standardized national system for proactively identifying and removing CSAM across digital platforms. SAPS collaborates with Interpol's International Child Sexual Exploitation (ICSE) database to support digital investigations, but ISPs and private industry players lack direct access to international CSAM identification tools. While these partnerships provide access to global databases and forensic tools, their integration into local enforcement efforts remains limited. AI and machine learning technologies for proactive CSAM detection are not widely deployed in South Africa, and law enforcement agencies rely primarily on traditional forensic methods.[170] [171]

- Although South Africa has an established framework for

166. Minnaar, A. (2023) *An examination of early international and national efforts to combat online child pornography and child sexual exploitation and abuse material on the Internet.* Child Abuse Research: A South African Journal, 24(2), pp. 1-26.
167. United Nations Office on Drugs and Crime (UNODC) (2023) *Expert Group Meeting on Removal of Child Sexual Abuse Material from the Internet.* Available at: https://www.unodc.org/unodc/en/justice-and-prison-reform/endvac_egm_csam-removal_june-2023.html (Accessed: 12/12/2024).
168. Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse.* ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org
169. South African Law Reform Commission (SALRC) (2022) *Final Report: Project 107 – Sexual Offenses (Pornography and Children).* Pretoria: SALRC.
170. Multiple Participants (2024) *South Africa OCSEA MRC Questionnaire – Sector 5 - Industry.* Internal document provided to ICMEC for the MRC Assessment, December 2024.
171. Dutoit-Drotsky Attorneys (2024) *'The Legal Challenges of AI-Generated Child Sexual Abuse Material'.* Available at: https://dutoitdrotsky.co.za/2024/01/31/the-legal-challenges-of-ai-generated-child-sexual-abuse-material/ (Accessed: 12/12/2024).

public-private collaboration, there is no centralized initiative between South African ISPs, law enforcement, and academic institutions to develop innovative digital forensic solutions for CSAM detection. Most research on digital forensics for CSAM cases in South Africa remains fragmented, with no dedicated technological framework for industry-wide collaboration.[172]

Gaps in Responsible Business Conduct

- While South African ISPs are obligated to report CSAM, many lack formal child protection policies to prevent exploitation risks on their platforms. Unlike major international companies like Meta or Google, South African service providers do not have comprehensive internal mechanisms to proactively monitor and prevent CSAM.

- There is a deficiency in due diligence procedures to assess and mitigate risks related to child exploitation within business operations and digital platforms. The absence of compliance monitoring for corporate responsibility measures leads to irregular enforcement and weak industry accountability.[173][173]

- South African companies do not have structured response protocols for addressing CSAM cases beyond basic reporting obligations. Without structured remediation frameworks, service providers fail to offer sufficient support for victims of OCSEA or contribute meaningfully to broader protection efforts.[174]

172. Minnaar, A. (2023) *An examination of early international and national efforts to combat online child pornography and child sexual exploitation and abuse material on the Internet*. Child Abuse Research: A South African Journal, 24(2), pp. 1-26.
173. United Nations Office on Drugs and Crime (UNODC) (2023) *Expert Group Meeting on Removal of Child Sexual Abuse Material from the Internet*. Available at: (Accessed https://www.unodc.org/unodc/en/justice-and-prison-reform/endvac_egm_csam-removal_june-2023.html (Accessed: 12/12/2024).
174. Minnaar, A. (2023) *An examination of early international and national efforts to combat online child pornography and child sexual exploitation and abuse material on the Internet*. Child Abuse Research: A South African Journal, 24(2), pp. 1-26.

SECTOR 6: Data and Research

OUTCOME

Awareness raised among the public, professionals and policy makers. Potential future offenders are deterred. Child sexual abuse offending and reoffending is reduced.

CAPACITY 19: Data and Research

Each country should have data, research and analysis on the threat of and response to child sexual exploitation and abuse online. Robust administrative data systems (e.g. police, courts, social services) to monitor service delivery, access and effectiveness and provide regular insights for decision-makers.

RELEVANT ASPECTS:[175]

- South Africa has conducted national research on OCSEA, producing both qualitative and quantitative insights. The Disrupting Harm in South Africa (2022) study revealed that between 7–10% of internet-using children aged 12–17 had experienced clear instances of OCSEA in the preceding year, providing critical data on prevalence and risk factors. The South African Kids Online Study (2021) contributed to understanding children's online experiences, exposure to risks, and digital safety measures. While these studies offer valuable insights, recent research on OCSEA remains limited in scope compared to the much broader collection of CSEA available research.

- Qualitative studies, such as Disrupting Harm: Conversations With Young Survivors (2022), provided in-depth narratives from affected children, highlighting patterns of abuse, reporting barriers, and institutional responses. Research initiatives have been supported through collaborations with organizations like UNICEF South Africa and the Centre for Justice and Crime Prevention, ensuring data informs policy and intervention strategies. However, South Africa's research landscape on OCSEA remains less extensive compared to global leaders in this field, necessitating further studies to deepen understanding and improve systemic responses.

- In addition to empirical research, legal and policy-focused studies provide important context for South Africa's response to OCSEA. Minnaar (2023)[176] examined the evolution of legislation and enforcement efforts in addressing online child sexual exploitation, highlighting how digital platforms have expanded opportunities for abuse and necessitated stronger legal frameworks. While this research does not provide primary data on victimization, it underscores the role of law enforcement, legislative adaptation, and international cooperation in combating OCSEA.

- The country aligns with international commitments, including the United Nations Convention on the Rights of the Child (UNCRC)

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175. Children's Institute, University of Cape Town (2024) *South African Child Gauge 2024*. Cape Town: University of Cape Town.
Jamieson, L., Titi, N., & Vutu, S. (2022) *Closing the Gaps in Services That Respond to Violence Against Women and Children*. Cape Town: Children's Institute, University of Cape Town. 12/09/2024).
176. Minnaar, A., (2023) 'An examination of early international and national efforts to combat online child pornography and child sexual exploitation and abuse material on the Internet'. Child Abuse Research in South Africa, 24(2), pp.1-26.

and the Sustainable Development Goals (SDGs), which emphasize data-driven monitoring of child exploitation. *National legislation, such as the Cybercrimes Act (2020) and the Film and Publications Amendment Act (2019)*, also mandates data collection on online offenses, contributing to law enforcement and child protection efforts.

CAPACITY 20: Universally Agreed Terminology

Each country should have information and policies communicated clearly and in alignment with international standards.

F I N D I N G S :

- Since the adoption of the Luxembourg Guidelines in 2016, South Africa has continued to align its child protection policies and legal frameworks with international standards, despite not having formally ratified these guidelines. The country's legislative instruments, such as the Children's Act (2005), the Criminal Law (Sexual Offences and Related Matters) Amendment Act (2007), and the Cybercrimes Act (2020), reflect key principles found in global frameworks, including the United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). While South Africa does not explicitly reference the Luxembourg Guidelines in official policies, their principles have influenced domestic protocols and training programs and its approach to combating OCSEA demonstrates an implicit integration of internationally recognized definitions and best practices. This is evident in efforts to standardize

legal terminology (Project 107), strengthen victim-sensitive communication, and enhance cross-sectoral coordination in child protection.

- The influence of global initiatives, including Interpol, UNICEF, and ECPAT International[177], has contributed to refining national policies to ensure clarity and consistency in addressing OCSEA, reinforcing South Africa's commitment to international child protection standards.

Project 107

- Project 107 of the South African Law Reform Commission (SALRC)[178] seeks to reform legislation concerning the terminology and legal framework related to the sexual exploitation of children in explicit content. One of its core recommendations is replacing the term "child pornography" with "Child Sexual Abuse Material (CSAM)" to reflect the abusive nature of such content. This shift aligns with international best practices by emphasizing the harm inflicted on children rather than treating the material as conventional pornography. The proposal aims to reinforce the fact that such content constitutes evidence of sexual abuse and exploitation rather than mere explicit imagery. Recent legislative developments, including the Films and Publications Amendment Act (2019) and the Cybercrimes Act (2020), have introduced terminology more consistent with the Luxembourg Guidelines, such as "child sexual abuse material (CSAM)", marking progress toward a victim-centered legal framework. However, the Project 107 Final Report underscores the importance of ensuring uniform terminology across all child protection laws, highlighting advancements in legal discourse while identifying areas requiring further harmonization.

- The SALRC released Discussion Paper 149 for Project 107 in

177. Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse.* ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
178. South African Law Reform Commission (SALRC) (2019). *Project 107: Sexual Offences (Pornography and Children) - Discussion Paper 149.* Pretoria: Government Printer. Available at: https://www.justice.gov.za/salrc/dpapers.htm (Accessed: 15/08/2024).

May 2019, outlining proposed amendments to various legislative instruments. These amendments seek to strengthen legal definitions and enforcement mechanisms addressing child sexual exploitation, aligning South African law with international standards such as those advocated by the WePROTECT Global Alliance and relevant global treaties. Specific areas of focus include:

- Decriminalization of consensual behavior: The report recommends safeguarding children from unnecessary criminalization when engaging in consensual sexual activities, particularly concerning the sharing of intimate images between peers.
- Proportionality in criminal law: Project 107 underscores the importance of distinguishing between harmful conduct (such as exploitation and abuse) and age-appropriate, consensual behavior. It warns against over-criminalization, which could have lasting repercussions on children's mental health, education, and future opportunities.
- Addressing digital sexual interactions ("Sexting"): While the report does not explicitly reference sexting, it examines the legal implications of digital interactions between minors. It argues that while laws against child sexual exploitation are essential, they should not unintentionally penalize children involved in the mutual and consensual sharing of explicit content, as long as no coercion, exploitation, or harmful intent is involved.

- As of January 2025, the proposed legislative changes under Project 107 remain under review. While some progress has been made in modernizing South Africa's legal framework, the formal adoption of "Sexual Abuse Material (SCAM)" as a legal term has not yet been finalized. Ongoing advocacy efforts continue to push for legislative alignment with international commitments and to enhance protections for child victims of sexual exploitation.

GAPS Sector 6: Research and Data

Fragmented Data Collection and Lack of Centralized Oversight

- OCSEA-related research and data collection in South Africa remain fragmented across various entities, including law enforcement, child protection agencies, and civil society organizations. There is no centralized system that consolidates and integrates OCSEA data for comprehensive national monitoring and evaluation. The absence of a dedicated national research body to oversee the systematic collection and harmonization of OCSEA-related statistics creates inconsistencies in data reliability and accessibility for research purposes.[179]

Limited Longitudinal and Rural-Inclusive Research

- Existing research efforts are largely episodic and project-based, providing only periodic insights into OCSEA trends. There is limited longitudinal data tracking how OCSEA evolves over time, making it difficult to assess the effectiveness of interventions. Additionally, data collection disproportionately focuses on urban areas, with insufficient representation of children in rural and marginalized communities, where digital vulnerabilities and access to child protection services may differ significantly.[180][181][182]

Lack of Standardized indicators and Explicit Reference to International Guidelines

- Although South Africa aligns with international child protection frameworks, there is no dedicated national framework for OCSEA-specific indicators. This creates inconsistencies in monitoring, evaluation, and reporting, particularly in areas like CSAM detection, online grooming, and cross-border digital crimes. Moreover, international standards such as the Luxembourg Guidelines are not formally referenced in national policies, limiting the adoption of standardized terminology and indicators to ensure alignment with global best practices.[182][183]

Resource and Capacity Constraints in Research and Law Enforcement

- National research efforts on OCSEA are constrained by limited funding, expertise, and technological capacity. The lack of continuous investment in digital forensic capabilities, specialized training, and interagency coordination hampers the ability of law enforcement and child protection agencies to collect, analyze, and apply data-driven insights effectively. The absence of dedicated resources also affects awareness campaigns and public education, reducing societal understanding of OCSEA risks and reporting mechanisms.[36-112-114]

179. Children's Institute, University of Cape Town (2024) *South African Child Gauge 2024*. Cape Town: University of Cape Town
180. Disrupting Harm Report (2022) *South Africa: Evidence on Online Child Sexual Exploitation and Abuse*. ECPAT International, INTERPOL & UNICEF Office of Research – Innocenti. Available at: https://www.end-violence.org (Accessed 12/09/2024).
181. Minnaar, A., (2023) *An examination of early international and national efforts to combat online child pornography and child sexual exploitation and abuse material on the Internet*. Child Abuse Research in South Africa, 24(2), pp.1-26.
182. Children's Institute, University of Cape Town (2024) *South African Child Gauge 2024*. Cape Town: University of Cape Town.

Recommendations

SECTOR 1: POLICY AND GOVERNANCE

SHORT-TERM (0–1 YEAR)

- Establish a National Coordination Authority under the Department of Communications and Digital Technologies (DCDT) to centralize OCSEA policy implementation and ISP compliance monitoring.
- Develop an OCSEA-focused legal handbook for law enforcement, prosecutors, and ISPs to standardize legal and procedural responses.

MEDIUM-TERM (1–3 YEARS)

- Expedite the enactment of Project 107 (SALRC) to modernize South Africa's OCSEA-related legal framework:
  - This will harmonize legal terminology with international standards (e.g., replacing "child pornography" with CSAM).
  - It will also define uniform reporting guidelines for ISPs, strengthen CSAM takedown procedures, and improve digital evidence collection.
- Ratify the Budapest Convention on Cybercrime to enhance cross-border investigation and international legal cooperation on OCSEA cases.

- Expand the Intersectoral Protocol on Child Abuse to explicitly integrate OCSEA prevention, detection, and intervention strategies.
- Establish a cross-sector monitoring framework to track policy implementation effectiveness across government, industry, and law enforcement.
- Increase national budget allocations for OCSEA-related agencies and programs, ensuring:
  - Enhanced funding for law enforcement (SAPS Cybercrime Units, forensic labs, SECI).
  - Sustained financial support for victim services, including Thuthuzela Care Centres (TCCs).
  - Investment in AI-driven CSAM detection & proactive digital forensics.
  - Dedicated research funding for national OCSEA data collection & longitudinal studies.

LONG-TERM (3+ YEARS)

- Create a permanent Digital Child Safety Commission to oversee OCSEA policies, ISP compliance, and cross-sector coordination.
- Enhance provincial enforcement mechanisms to ensure uniform policy implementation across all regions, including rural areas.

SECTOR 2: CRIMINAL JUSTICE

SHORT-TERM (0–1 YEAR)

- Strengthen the CyberTipline response coordination by establishing direct access for SAPS to
- NCMEC reports, bypassing unnecessary intermediaries.
- Develop a centralized digital evidence management system for CSAM cases, accessible to SAPS and the NPA.
- Expand SAPS Cybercrime and Serial and Electronic Crimes Investigation (SECI) Units with additional resources and personnel.

MEDIUM-TERM (1–3 YEARS)

- Expand and strengthen SAPS Cybercrime and SECI Units for OCSEA investigations:
  - Increase forensic resources (software, AI tools, and digital infrastructure) to enhance CSAM detection and digital evidence handling.
  - Expand specialized OCSEA training programs for law enforcement officers and forensic analysts.
  - Recruit additional digital forensics experts to address OCSEA case backlogs and improve investigative turnaround times.
- Strengthen international cooperation by formalizing agreements with Interpol, Europol, and major tech companies for real-time intelligence sharing.
- Integrate mandatory OCSEA training into the SAPS Academy and NPA OCSEA-specialized prosecutors within the Sexual Offences and Community Affairs (SOCA) Unit to enhance law enforcement and prosecutorial capacity in handling OCSEA cases. The curriculum should cover legal frameworks, digital forensic investigation, trauma-informed victim engagement, and child-friendly justice approaches, ensuring officers and prosecutors are equipped with specialized skills to effectively investigate and prosecute OCSEA crimes while minimizing harm to child victims.
- Mandate trauma-informed training for police officers, including frontline officers, handling child victims of OCSEA:
  - Ensure all officers interacting with child victims (not just specialized units) receive training in trauma-sensitive interviewing and victim-centered response.
  - Include first responders, station officers, and SAPS Family Violence, Child Protection, and Sexual Offences (FCS) Unit in mandatory training programs.
  - Focus on reducing secondary victimization by equipping officers with the skills to handle disclosures of abuse with sensitivity and professionalism.
- Expand SAPS FCS and Cybercrime Unit presence in rural areas by deploying mobile forensic units and OCSEA-trained prosecutors. Establish regional satellite teams with digital forensics capabilities to reduce investigation delays and introduce mobile prosecutorial teams to handle OCSEA cases efficiently. Increasing Sexual Offences Courts or child-friendly court facilities in rural areas will ensure that child victims receive specialized judicial support closer to home.

LONG-TERM (3+ YEARS)

- Establish a dedicated judicial oversight body to monitor the efficiency of OCSEA-related convictions and sentencing.
- Enhance forensic lab infrastructure for digital evidence processing, ensuring expedited case handling.

SECTOR 3: VICTIM SUPPORT AND EMPOWERMENT

SHORT-TERM (0–1 YEAR)

- Continue to expand Thuthuzela Care Centres (TCCs) to underserved areas, ensuring 24/7 crisis response for child victims of OCSEA.
- Develop a National OCSEA Victim Support Strategy, aligning services across government agencies and NGOs.
- Integrate Childline South Africa into a government-led national child protection hotline to ensure sustainable funding, stronger law enforcement collaboration, and direct referral pathways for OCSEA victims. This hotline should be managed in partnership with the Department of Social Development (DSD), SAPS, and relevant child protection agencies to ensure an immediate and coordinated response for victims of OCSEA and other forms of child abuse.
- Mandate mental health support for law enforcement officers investigating OCSEA cases to prevent burnout and trauma.

MEDIUM-TERM (1–3 YEARS)

- Launch a national compensation fund for OCSEA victims, ensuring access to medical, legal, and psychological support services.
- Introduce long-term rehabilitation programs for OCSEA survivors, including psychosocial and educational reintegration.
- Enhance and standardize the implementation of existing risk assessment tools for child victims to ensure consistent, tailored intervention and protection strategies nationwide. This includes ensuring uniform application across all provinces, integrating tools into digital case management systems, and strengthening coordination among SAPS, social services, and victim support organizations to provide comprehensive child protection.
- Risk assessment tools must also be multilingual and culturally inclusive, ensuring accessibility for South Africa's diverse communities. Professionals administering these assessments should be proficient in local languages and trained in culturally sensitive approaches to build trust with children and families, improving the accuracy and effectiveness of interventions. Strengthening community engagement in risk assessment processes is essential to ensure interventions are contextually appropriate and address local challenges. Incorporating input from community leaders, educators, and caregivers can enhance the relevance and effectiveness of child protection strategies.
- Enhance cross-sector coordination by integrating SAPS, social workers, and healthcare professionals in victim case management.
- Expand OCSEA-related victim support services to underserved rural areas by creating mobile victim support units. Introduce mobile-based counseling and legal assistance programs to ensure child victims in rural communities receive continuous psychosocial and legal support, bridging gaps in access to urban-based services.

LONG-TERM (3+ YEARS)

- Enhance Part A of the National Child Protection Register (NCPR) to better track OCSEA victims through the justice and support system. This includes improving data integration between the Department of Social Development (DSD), SAPS, NPA, and victim support services to ensure continuity of care post-trial. Additionally, digital case management tools should be introduced to streamline victim follow-up interventions, ensuring that child survivors of OCSEA receive sustained protection and access to necessary support services across all provinces.

- Mandate nationwide mandatory trauma-informed training for all professionals interacting with OCSEA victims, including teachers, doctors, and social workers.

SECTOR 4: SOCIETY AND CULTURE

SHORT-TERM (0-1 YEAR)

- Scale up the Online Safety Integrated Programme to all public schools, ensuring uniform implementation nationwide with the age-appropriate content tailored to the different developmental stages as intended.

- Implement public awareness campaigns to educate caregivers and children about online safety and reporting mechanisms.

MEDIUM-TERM (1-3 YEARS)

- Ensure mandatory digital literacy training for educators to support children in identifying and responding to online risks.

- Enhance existing child participation forums by increasing their frequency, establishing systematic feedback mechanisms, and ensuring that children's perspectives directly influence OCSEA policy development. This approach aligns with international best practices, such as the Lundy Model, and ensures that youth voices are meaningfully integrated into decision-making processes.

- Develop mandatory journalist training programs on ethical reporting of OCSEA cases to prevent victim exposure and sensationalism.

- Ensure nationwide access to OCSEA education programs by prioritizing rural schools and community-based awareness campaigns. Adapt the Online Safety Integrated Programme to low-connectivity settings through radio, print, and local workshops, while strengthening community-based reporting mechanisms to improve OCSEA prevention and intervention in remote areas.

LONG-TERM (3+ YEARS)

- Establish a national certification program for educators on child online protection, ensuring sustained knowledge transfer.

- Expand restorative justice programs for juvenile OCSEA offenders, integrating rehabilitation with legal accountability.

- Develop a specialized treatment program for child sex offenders (CSOs) separate from general sex offender rehabilitation programs. This program should focus on risk assessment, cognitive-behavioral therapy (CBT), and relapse prevention strategies tailored specifically for individuals convicted of child sexual exploitation and abuse. It should be integrated within the Department of Correctional Services (DCS) rehabilitation framework, ensuring that CSOs receive targeted psychological intervention distinct from other sex offenders, with specialized training for rehabilitation professionals to address the unique psychological and behavioral risk factors associated with child sexual offending.

SECTOR 5: INDUSTRY

SHORT-TERM (0–1 YEAR)

- Standardize takedown request procedures across all digital platforms and ISPs, ensuring timely content removal (Project 107).
- Require all major tech companies operating in South Africa to publish annual OCSEA compliance reports.

MEDIUM-TERM (1–3 YEARS)

- Develop a phased approach for ISPs to implement AI-driven CSAM detection and takedown, ensuring compliance with national and international standards. This should be supported by regulatory guidelines and industry collaboration to ensure responsible adoption of detection technologies.

- Establish a National Hash Database for CSAM to enhance proactive detection, takedown, and law enforcement investigations. This system should be integrated with global databases such as Interpol's ICSE and NCMEC and accessible to law enforcement, ISPs, and child protection organizations to facilitate automated CSAM detection and removal.

- Mandate due diligence audits for South African digital companies to ensure proactive CSAM prevention policies. This includes transparent reporting mechanisms, ensuring compliance with legal obligations for online safety.

- Develop a national digital forensics research center to support law enforcement in OCSEA investigations. This center should focus on advanced forensic analysis, AI-driven tools, and digital evidence management to accelerate investigations and improve prosecution rates.

LONG-TERM (3+ YEARS)

- Expand the National Hash Database into a centralized government-led AI-driven CSAM detection and response system. Over time, this system should evolve into a fully integrated national enforcement platform, ensuring automated real-time detection, removal, and prosecution of OCSEA-related content.

SECTOR 6: RESEARCH AND DATA

SHORT-TERM (0–1 YEAR)

- Establish a national OCSEA research task force to coordinate studies across government, academia, and NGOs, ensuring a multidisciplinary, evidence-based approach to combating online child exploitation. This task force should integrate OCSEA-focused courses into university programs (e.g., criminology, cybersecurity, child protection), develop a national research database, implement certified OCSEA training for professionals, and continue to foster international collaborations with bodies like INTERPOL, ECPAT, and UNODC. An annual OCSEA research report should inform national strategies, law enforcement protocols, and legislative reforms, ensuring research translates into actionable policies.

- Develop standardized OCSEA reporting indicators to align with international benchmarks.

- Mandate real-time OCSEA data collection by SAPS and child protection agencies for research purposes.

MEDIUM-TERM (1–3 YEARS)

- Create a centralized OCSEA data repository with strict data privacy safeguards, accessible only to authorized policymakers, law enforcement, and researchers. The repository should comply with South Africa's Protection of Personal Information Act (POPIA) and international child protection data standards, ensuring encrypted storage, controlled access levels, and ethical data-sharing protocols to protect victim confidentiality and prevent misuse.

- Expand longitudinal studies on OCSEA trends in South Africa, particularly in rural communities.

- Enhance collaboration with global child protection research bodies to improve evidence-based interventions.

LONG-TERM (3+ YEARS)

- Integrate OCSEA-related data into South Africa's national crime statistics, ensuring sustained monitoring and response.

- Mandate academic institutions to include OCSEA research in criminology and social work curricula.

Conclusion

- South Africa has made significant progress in addressing OCSEA through legislative, institutional, and multi-sectoral efforts. The country has developed a strong legal framework, including the *Cybercrimes Act* (2020), *Films and Publications Amendment Act* (2019), and the *Criminal Law (Sexual Offences and Related Matters) Amendment Act* (2007), which criminalize OCSEA-related offenses and mandate reporting obligations for service providers. South Africa's National Register for Sex Offenders (NRSO) and National Child Protection Register (NCPR) further strengthen child protection by restricting offenders' access to children and tracking cases of abuse. Additionally, the government has demonstrated its commitment to international cooperation by engaging with Interpol, the Internet Watch Foundation (IWF), and the WeProtect Global Alliance, ensuring that national efforts align with global best practices.

- Institutions such as the South African Police Service (SAPS) Family Violence, Child Protection and Sexual Offences (FCS) Unit, the Serial and Electronic Crimes Investigation (SECI) Unit, and the National Prosecuting Authority's (NPA) Sexual Offences and Community Affairs (SOCA) Unit play crucial roles in the investigation and prosecution of OCSEA cases. The establishment of Sexual Offences Courts and Thuthuzela Care Centres (TCCs) ensures that child victims receive specialized legal and psychosocial support. Additionally, Childline South Africa and the FPB have been instrumental in providing reporting mechanisms, education, and public awareness campaigns on digital safety. The integration of online safety education into the Life Orientation curriculum is another major achievement, equipping children with knowledge to navigate the online environment safely.

- While South Africa has made notable progress in its OCSEA response, challenges remain in ensuring equitable access to protection, justice, and prevention services across urban and rural areas. Many key resources, such as forensic capacity, digital literacy programs, and victim support services, remain concentrated in urban centers, leaving rural communities with limited intervention mechanisms. Moving forward, it is critical to strengthen rural outreach programs, expand victim support infrastructure, and ensure that all children, regardless of location, have equal access to OCSEA protection and justice.

- However, South Africa's strong commitment to protecting children from OCSEA, by establishing critical legal and institutional mechanisms, ensure that the response to OCSEA continues to evolve. The refined recommendations outlined in this assessment provide a roadmap to enhance existing structures, bridge remaining gaps, and strengthen intersectoral coordination. South Africa is well-positioned to develop a comprehensive and sustainable national response that effectively combats OCSEA while ensuring justice and protection for all children.

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