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PO Box 1560, Parklands, 2121 • Tel +2711 788 1278 • Fax +2711 788 1289
Email info@mma.org.za • www.mediamonitoringafrica.org

Attention: **Tholoana Ncheke**
The Film & Publication Board
ECO Glade 2, 420 WITCH HAZEL AVENUE
Centurion, 1609, Pretoria
Email: policy.submissions@fpb.org.za

15 July 2015

THE FILM AND PUBLICATION BOARD'S DRAFT POLICY IN RESPECT OF THE REGULATION OF ONLINE CONTENT

SUBMISSION ON BEHALF OF:

MEDIA MONITORING AFRICA'S MEMBERS OF THE CHILDREN'S NEWS AGENCY (CNA) AND CHILDREN'S MONITORING PROJECT (CMP)

1. INTRODUCTION

1.1. In Notice No. 182 of 2015 published in Government Gazette No. 38531 dated 4 March 2015, the Film and Publication Board (the 'Board') published the Draft Online Regulation Policy ('Draft Regulations'). In the Notice, the Board invited interested persons to make written representations thereon. The date for submission of written comments was set for 15 July 2015. The Children's News Agency (CNA) and Children's Monitoring Project's (CMP) members value the opportunity to contribute to this important discussion on children and online safety and wish to make oral submissions should the opportunity arise.

1.2. These are the written submissions on behalf of the children from the **Children's News Agency (CNA)** and **Children's Monitoring Project (CMP),** initiatives by **Media Monitoring Africa (MMA).**

1.3. MMA's vision is a just and fair society empowered by a free, responsible and quality media. Through a human rights-based approach, MMA aims to promote the development of:

- Media that is transparent, diverse, ethical and accountable to its audiences;
- Critical and constructive communications by the powerful; and;
- Informed, engaged and connected citizenry

1.4. MMA has a comprehensive programme focused on children and the media; the Empowering Children and the Media (ECM) programme which aims to improve the portrayal and active participation of children in the news and media policy issues. In striving to attain this goal, MMA has done a lot of work around children's rights and the media and works with over 100 children in Johannesburg and Cape Town.

1.5. The **Children's News Agency** is a programme which brings children's voices and perspectives into the mainstream media. CNA trains Child Journalists from High Schools to report on stories from children's perspective.

1.6. The **Children's Monitoring Project** provides youngsters aged 11 to 15 years old with the skills they need to critically analyze the way in which they are represented in the media. CMP targets primary school children, 60 children from three schools in Johannesburg and 25 children from one school in Cape Town participate in the CMP.

1.7. Both the CNA and CMP, are MMA's means of ensuring active meaningful participation of children in the news and media policy issues. It is for this reason that MMA found it critical to ensure that children's views on the Draft Regulations are heard.

1.8. MMA consulted[1] with children from the CNA and CMP programmes on the Draft Regulations. The inputs from these consultations form the basis of this submission.

2. OVERVIEW OF THE DRAFT REGULATIONS

2.1. Children noticed the child-centered approach adopted in the Draft Regulations. It is clear that the Draft Regulations seek to protect children online. This act alone is commendable as the Board realizes the importance of ensuring that children's rights to safety online are promoted and fulfilled.

2.2. The overzealous focus on promoting children's rights to safety however misses the opportunity to think about rights that equally deserve the same amount of promotion and attention. Rights such as access to information and privacy also deserve the same degree of attention and robust engagement. This was made clear from the consultations with the children, one of the children consulted felt "*I have the right to access information and I also have the right to privacy. But it seems like these rights are going to be violated*."

2.3. It is therefore important that Draft Regulations frame digital opportunities and risk in terms of not only protection, but also provision and participation.

2.3. The consultation meetings on the draft regulations with children revealed many shortcomings that the children themselves felt have serious implications on them and their use of the internet.

3. THE DRAFT REGULATIONS ARE ABOUT THEM BUT WITHOUT THEM

1.1. Although the Draft Regulations are framed as being about the children, we are of the view that the critical step of including their views on these Regulations was omitted. If these Regulations are going to be taken forward, children's participation should be considered as the most critical step. Child

[1] The report from the consultation is included in Annex 1 of this submission. The consultation was made possible through funding support from a Google South Africa

participation is the cornerstone of a democratic society. Ensuring that children participate in matters that concern them is very important and vital for developing a future generation that is responsive to its democratic rights and responsibilities.

1.2. With this said, from the consultations, children felt that they were excluded from the processes that informed these Draft Regulations. Also, there is no indication given in the regulations as to if and how children participated in their drafting.

1.3. Speaking for children without them only creates a generation that is apathetic to its societies' state of affairs.

1.4. The consultations with children are by no means a national representative sample, as we worked with a limited number of children. But there are interesting and valuable lessons that can be learnt from this engagement with children on how children can meaningfully engage with policies when given a chance to do so.

1.5. The consultations on the Draft Regulations revealed that when given the opportunity children can offer great insights. But more than anything they revealed that children are worth listening to. Therefore we strongly feel that there needs to be a formal children's participation process that will provide a platform for children's views on the Draft Regulations.

1.6. The findings from these consultations with children also strongly and clearly echo the findings from a study[2] that was conducted by the EU Kids online, a

[2] EU Kids Online conducted during 2010 a face-to-face, in-home survey of over 25,000 9-16 year old internet users and their parents in 25 countries, using a stratified random sample and self-completion methods for sensitive questions. Now including researchers and stakeholders from 33 countries in

multinational research network which seeks to enhance knowledge regarding European children's online opportunities, risks and safety. The study proves that children are at the heart of evidence-based policy making. Their voices, and experiences, must be heard in the public policy debates regarding their well-being and their best interests.

4. CHILDREN ARE DIVERSE

1.1. The Draft Regulations fail to recognise that children all have different needs, characteristics, challenges, backgrounds etc. This is reflected on the findings from the consultations which showed that while the children all saw the need to be protected online, the older children consulted were apprehensive about measures that sought to invade on their privacy, infringe on their right to access information or overtly cocoon them.

1.2. Thus the Draft Regulations make a fatal assumption of conceiving children as a homogenous group of people who can be protected by a one-size-fits-all system. Evidence suggests that children are not all the same, they have evolving capacities and that they have different vulnerabilities, needs, ideas. Policy needs to take into consideration amongst other things, the age, gender and socioeconomic status of the children whom they seek to protect.

1.3. In many stages of the consultations, the older group of children seemed to have varying views to the younger group about how they should be protected online. The younger children made suggestions about how parents should not buy them phones that have access to internet, or not buy them cell phones at all. Conversely the older group consulted never suggested such “extreme” measures, instead they wanted to be allowed to

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Europe and beyond, the network analyses and updates the evidence base to inform policy. See www.eukidsonline.net

explore the online world and make mistakes. *"It is my choice whether I want to go into an explicit website or not, you cannot choose for me which path you want me to go in. I am the one who has my future in my own hands and shall decide whether I want to waste or not because one thing you must think about we all make mistakes in life and that comes with the job description of being a human being."- Arthur Zikhali*

1.4. Significantly, this illustrates how children are diverse in their thinking and therefore policy and regulations need to be responsive to these differences and seek different levels of intervention. How they should be protected should speak to their different ages, levels of maturity, backgrounds and any other significant factors. Therefore it is important that efforts to protect them online be tailored to their diverse characteristics.

5. INTERNET IS NOT JUST NEGATIVE

1.1. When having discussions about the internet it is perhaps easier to formulate our views based on negative experiences and visions we might have received from media reports, our fears and insecurities. The question however is, how much of what we know about the internet is informed by evidence-based research?

1.2. The Draft Regulations seem to focus only on the negatives. This is a profound limitation to the potential benefits children gain from the internet. The internet is about both risks and harms and the two should not be separated or isolated.

1.3. The consultations with the children showed that just as there are negative things about the internet there are equally many things that are inherently positive about it. The internet has helped them to connect to friends and

family, do homework, and formulate their own identities and it has also offered new ways for their greater participation and new pathways to opportunities to learn and grow.

1.4. While these negative implications of the internet on children need to be discussed and debated, we should not fall into the trap of solely focusing on them. We need to be aware that the internet offers both opportunities and risks. And most importantly not all risk will result in harm. This was echoed in the EU Kids Online 2010 survey of 25 countries. According to their findings the "incidence of harm online is less than many panicky media reports would suggest." From their study, the EU Kids Online project deduced that 'not all children exposed to online risk report harm as a result. This counters the assumption of some policy makers that risk and harm are one and the same – that to see pornography is to be harmed by it, to be approached by a stranger online is to be damaged inevitably, and so forth.'

1.5. Evidence-based policy is important in this regard. We need to understand internet usage amongst children. Where there is risk such as 'exposure to harmful content' as pointed out by the Regulations, we need to critically assess and establish the nature of the risk, the potential harm and vulnerability 'offline', including the psychological and sociological analysis of risk in children's everyday lives.[3] It is only after this empirical assessment that we can find the most appropriate interventions to deal with them. We cannot make assumptions or rely on a a small sample of media reports to make far reaching conclusions about the internet.

6. DRAFT REGULATIONS ARE A DENIAL OF CHILDREN'S RIGHTS, RESPONSIBILITIES, AGENCY AND RESILIENCE.

[3] See http://www.ehu.eus/zer/hemeroteca/pdfs/zer35-01-livingstone.pdf

6.1. The consultations with the children suggest that children have agency, they are aware of the dangers that lurk online, and are able to make their own decisions. Children are aware of the potential harms and risks online, and some of them have ways in which they deal with them. This became very apparent when most of them shared how the responsibility to protect themselves online begins with them. Here are some quotes from the consultations to illustrate this point:

- *"I am responsible because I am the one who has the cell phone, my parents could have bought me the cell phone to contact them during an emergency but because I use it for social media, it is my responsibility to make sure that I don't log on to social media platforms that could affect me or are dangerous for me."-Tshepang Mokua*
- *"When we open sites that have age restrictions, and the site says 18 and you know that your age is far from 18, you know what you are getting yourself into, you know that this is wrong for me and it might lead me to something very wrong or bad"*- Vuyolwethu Mkhize
- *"It's us who are responsible because we are the ones who are going to ruin our future, if we post bad pictures."*- Uatshidzi Netsianda
- *"It is my responsibility because I know what is good and what is wrong for me"*- Praise Olanrewaju
- *"I think it is our responsibility because we are the main decision makers in our lives and we actually know what is good for us and what is not. Although our parents might know what's good for us and what's not but we know that 'this is not me or this is me'" so we actually can stop ourselves from doing certain things."* – Itumeleng Langa

6.2. The quotes above illustrate how in their current form the Regulations are a denial of children's rights, responsibilities, resilience and agency. Children see themselves as agents and as active digital citizens who have the ability to make decisions online.

6.3. Not only that, children are aware and understand the consequences of their online engagements and know when to exercise self-control. By all means, this does not mean that children should be left to fend for themselves. The consultations

with the children suggest that they need Comprehensive information and mechanisms to navigate their way in the online world.

6.4. They need the support of their parents and other duty bearers. All they ask is that they should not be excluded from the digital world or have their digital freedoms taken away from them all in the name of protection.

- *. "I suggest that you consider using other ways of protecting them (children). Ways that do not violate their rights and also ways that do not defeat the purpose of the internet (communication being fast and easy)- Mbali Mathanjana*

6.5. Instead of only thinking about reducing harm, we need to start thinking about how we can build their resilience and support the view of them as active digital citizens who have the potential and responsibility to make the internet a safe place.

7. PREDOMINANCE OF THE PROTECTION NARRATIVE

1.1. The core objective of the Draft Regulations is to "protect children." The narrow focus on risk and safety can negatively impact children's right to participation and undermine their ability to access the benefits of digital media. This narrative adopted by the Regulations is at the most disempowering as it predominantly sees children as merely victims and passive recipients of all the negative things in the online world.

1.2. One way or the other, children will be exposed to risky and harmful situations, just as they would in the 'real' or offline world. We can't shield them or cocoon them from the risks and harms forever but we can mitigate them. This can be done by empowering them on how to deal with these situations should they arise. The online world is going to be their reality forever and will continue to be a popular conduit of communication in their daily lives and everyday routines. It is critical that not only children but adults as well have the necessary digital skills to navigate this space.

1.3. It is important to also take come up with pragmatic solutions that will ensure that holistic approach to children's rights. That is, solutions that see protection, participation and promotion of as equally important.

1.4. Furthermore, the focus on protection instils fear in children and this can potentially deter them from realising their right to participation on digital platforms. This was evident in the consultations when some of the younger children suggested that the best way of keeping them safe online is by denying them access to the internet, or phones that have access to the internet. This is not the optimal outcome especially given the digital reality that our children will be facing more and more. Ideally, we want children to maximise the full benefits of the internet while being cautious of the potentially hazards and taking reasonable risks. It would be a far greater injustice if we were to digitally exclude them**.**

8. CONCLUSIONS AND RECOMMENDATIONS

1.1. For the reasons stated above, MMA submits that the Draft Regulations in their current form deny children some of their basic rights as enshrined in the South African Constitution, the United Convention on the Rights of the Child and African Charter on the Rights and the Welfare of the Child. Accordingly we call for the withdrawal of the regulations in their current form.

1.2. We submit that future regulations consider supporting digital literacy programmes as means through which children (and adults) can learn how to navigate the online world. And perhaps endorse programmes that can help empower children to make the right choices online as well as e-Parenting programmes that can help parents learn how to support and give guidance to their children online

1.3. Notably, we submit that future proposed regulations include children in future processes. Maintain ongoing conversation with them and allow them to rise to the occasion of providing great insights.

1.4. As expressed by the children, we submit that the FPB in future regulations find ways of talking to children's rights to protection from harm in conjunction with their rights to access to information and participation. We submit that they frame their discussions on online safety by taking both the risks and opportunities into consideration

Annex 1

Focus Group discussion Report with children on Film and Publications Board's proposed Online Regulations

July 2015

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Acknowledgements

Media Monitoring Africa (MMA)'s research team is grateful to the many people who contributed to the making of this report. We are particularly grateful to the children and young people who participated in the consultation meetings. Our thanks go to them for taking the time to give their views on the Draft Online Regulations. We would also like to thank the schools and teachers we work with for making sure that the consultative meetings become possible. Last but not least, MMA would like to extend their gratitude to Google for supporting this research.

Background and Introduction

MMA's vision is a just and fair society empowered by a free, responsible and quality media. Through a human rights-based approach, MMA aims to promote the development of:

- Media that is transparent, diverse, ethical and accountable to its audiences;
- Critical and constructive communications by the powerful; and;
- Informed, engaged and connected citizenry

As an organization that seeks to ensure active meaningful participation of children in the news and media policy issues, MMA found it critical to ensure that children's views on media policy issues that affect them are heard and considered. MMA therefore saw the need to conduct and facilitate focus group discussions with children on the Film and Publications Board Draft Online Regulation Policy which aim to regulate the internet by classifying and removing content from the World Wide Web**.** Given the far reaching implications of the draft policy and its clear focus on children, we deemed it critical that their voices are heard on issues that will have a clear impact on their lives. If they are not heard then this process will become another case of doing things for but without children. Not only would this be bad policy making (i.e excluding those directly impacted by policy) but would also be unfair and deny children of their right to participate in matters that affect them.

During June 2015, consultation meetings were held with 68 children, aged 11-17, in Johannesburg. They discussed amongst other things,

- What they use the internet for and the risks and opportunities that are online
- What are some of the things that can be done to ensure their safety online
- Whose responsibility is it to make sure that they are safe online
- What their views are on the Film and Publications Board Draft Regulations
- Their key messages to the Film and Publications Board and other policy making bodies.

This report lets you know what the children said. Under specific sections of the report, the main issues are noted and quotes illustrate the children's views. It is hoped that this report will add to the debates on the regulations and will help the relevant stakeholders understand what children/ young people wish to be done to ensure their rights are promoted and protected online.

Research objectives

MMA wanted to find out what children and young people think about the Film and Publications Board Draft Online Regulation Policy. More so, the purpose of the consultation was to ensure young people had a voice in shaping the Draft Online Policy.

The consultation sessions and group guided discussions specifically aimed to:

1. Provide children with a 'child-friendly' consultation platform to freely express their views on the Draft Online Policy.

2. Facilitate a process of meaningful participation of children and the sharing of new information and an opportunity for them to engage on it on the basis of their own views and experiences.

3. Support and create an inclusive space for dialogue among children about a policy issue that affect them

Methodology

Summary of the Research Design

The research team:

- Designed and organized the consultation events with the help of the schools
- Provided detailed information about the consultations and obtained consents from both the children and their parents
- Facilitated the groups and ensured the views of the young people were recorded accurately
- Analysed the findings and produced a report.
- Ensured the Draft Online Regulations were accessible and 'child-friendly'.

Participants

Consultation events were held in June 2015. MMA's research team traveled to the selected schools on the dates specified in Appendix 1 and conducted 2 – 3 hour focus groups with the children where lunch and refreshments were served for all participants.

MMA worked with children from six schools in Johannesburg. The group comprised of two high schools, *Parktown High School for Girls and Barnato Park High School* and four primary schools, *Troyeville Primary, Naturena Primary, Park Senior Primary* and *Parkhurst Primary*.

Number of Children: A total of 68 participants took part in these Focus Group Discussions, 43 girls and 25 boys. Majority of the participants, were from four primary schools and others came from two high schools.
Age range: The primary schools children were between 11 and 13 years old, whereas the high schools children were mostly between the ages of 16 and 17 years old.
Other Useful information: All the children who participated go to public schools in Johannesburg. About 80% of the children came from neighbourhoods around Central Johannesburg and that are considered to be lower income areas with an average house hold income ranging between R2400 and R4800 (205 USD to 410 USD) per month.
The other 20% of the participants came from neighbourhoods in the North and in the South of Johannesburg. These areas could be categorised as middle income with an average household income ranging between R 9600 to R 19200 (824 USD to 1650 USD) per month.
The high school children form part of MMA's Children's News Agency (CNA) programme, where high school children are trained to become child journalists who write news article on children issues for mainstream media.

The primary school children take part in MMA's Children Monitoring Project (CMP) and they are given critical media literacy skills to monitor the media to see how children are represented in the media so that they can advocate for change in the manner in which media covers stories about children and the issues that affect children.

These two groups of children therefore have some insight into what is happening in South Africa and especially issues affecting children because of the media they consume and produce.

Structure, Design and Methodology

The schools could only allow us at the most 3 hour sessions. In order to maximize on this short time given, MMA drew up an outline to guide us on the activities and keep time (See Appendix 2.) The format of meetings was a simple open discussion with the children and a series of group facilitated exercises. The exercises were aimed at gauging children's understanding of the online risks and opportunities, the role of various duty bearers in ensuring their safety online (See Appendix 3 for the circle of support used in this session), their views/comments on the Draft Online Policy and lastly their key messages to the FPB.

Prior to the consultations, MMA simplified the draft policy in a 'child-friendly' and comprehensible manner and produced a summary of the regulations, especially parts that they deemed necessary for the consultations. During the consultations, MMA applied a child-centred and participatory approach in order to collect children's views on the draft policy. Emphasis was placed on appropriate ways to engage with young people, including the use of diagrams, flip charts, and crayons as well as using icebreakers and working in small groups.

Recording, Analysis and Reporting

In all sessions, the views of participants were recorded either on flipchart papers visible to the entire group; some of the sessions were recorded using an audio recorder.

The Project Team

Names of Facilitators: Kgalalelo Gaebee, Ayabulela Poro and George Kalu

The activities were carried out by MMA's children's team, the leader George Kalu who is an expert in children's participation and the media with ten years experience. His colleagues have five years experience each. The team was therefore very well suited to carry out the activities.

Findings: What the children and young people said

In this section, we describe the activities undertaken and report on the views of children on the draft regulations.

Session 1: Discussion on the internet and online risks and opportunities

The first session was preceded by an Ice-breaker exercise to create an informal atmosphere where the children could feel relaxed. This was followed by an introduction to the meeting, where MMA's research team provided explanations to the participants about the consultation, the purpose of the day; and about why their views were important.

We kicked-off the session by having a discussion on "What they use the 'internet for'?" The aim of the discussion was to gauge whether the participants used the internet and if they do, what they use it for. These were some of the explanations given:

- To socialise/ communicate with friends and family
- To meet new people
- Get easy information, to do homework and assignments
- For current affairs and news bulletins
- Entertainment, watch videos and download favourite music and videos; play games

This discussion provided a lot of insights into what children used the internet for. It was also clear from the discussions that the children rely on the internet for many things. These discussions also led to some of the things that they do not enjoy about the internet. Some participants were quick to point out that while internet is easily accessible, many dangers lurk for example, the information you get online is sometimes unreliable, there is lack of privacy and that many children out there are taking advantage of "the privilege of using the internet and use it for the wrong reasons" and children are at the receiving end of unsolicited content.

Session 2: Discussion on Online safety- What are some of the challenges children face online?

All participants were aware that as much as the internet presents many opportunities it has many risks as well. Some of the risks and challenges that the children identified included:

- Cyberbullying;
- exposure to pornography,
- Not trusting the people one is communicating with
- Identity theft
- Cat fishing- "receiving false information from people one is chatting to"

- Right to privacy can be compromised
- Children are vulnerable to criticism, judgment, discrimination
- Potential of embarrassing information being made public
- Chatting with strangers
- Children becoming victims of sexual predators
- Peer Pressure

We did not want the participants to focus only on online challenges but wanted them to think about possible solutions to the challenges identified. This is important because children should always feel that they can offer solutions to problems. It also makes them feel empowered.

For every challenge they identified, they had to come up with solutions that can be put in place to address these challenges. These are some of the solutions they came up with:

- Children should spend less time on the internet
- Children must report messages from people they don't know as well as inappropriate content to parents, teachers, police
- The government should create a body that children can report harmful content to
- Children should not share their passwords with strangers and even friends
- Parents should go through their children's phones and make sure they are safe online
- Parents should not buy their children smart phones
- Children should delete, block accounts of people who bully them online
- Children should only send and receive friend requests from people they know
- Service providers such as Google should take down material or videos that are disgusting/ violent
- Make separate Apps for adults and children
- Service providers must make stricter log-in rules. E.g. require all users to put ID numbers
- There should be advertisements on media platforms that teach children how to stay safe online
- Provide online safety lessons for parents who are not tech savvy at community centres so that they can be able to protect their children online
- Raise awareness about cyber-bullying
- Parental control apps should be downloaded by parents or made available to them
- Parents, teachers and friends should educate children on proper conduct online
- Children should be informed and read the terms and conditions on Apps, social networking sites they download. These terms and conditions should be "appealing, child friendly and more visible"

The list provided above is by no means exhaustive; the participants had a lot to say about what should be done and by whom.

After listing the solutions, the facilitators went through each solution and identified the specific individual(s) responsible for addressing each challenge.

Interestingly, in most of the solutions identified, children saw themselves as the key players in ensuring their safety online. We then asked them why they felt that they had a bigger role to play in ensuring their safety online. Here are some of the responses:

"I am responsible because I am the one who has the cell phone, my parents could have bought me the cell phone to contact them during an emergency but because I use it for social media, it is my responsibility to make sure that I don't log on to social media platforms that could affect me or are dangerous for me."

"We are the ones using the internet so we know how to stop ourselves"

"When we open sites that have age restrictions, and the site says 18 and you know that your age is far from 18, you know what you are getting yourself into, you know that this is wrong for me and it might lead me to something very wrong or bad"

"It's us who are responsible because we are the ones who are going to ruin our future, if we post bad pictures."

"It is my responsibility because I know what is good and what is wrong for me"

"I think it is our responsibility because we are the main decision makers in our lives and we actually know what is good for us and what is not. Although our parents might know what's good for us and what's not but we know that 'this is not me or this is me'" so we actually can stop ourselves from doing certain things."

"It is my responsibility because I have a choice to make if I must do the good things or do the bad things online"

When asked about unsolicited exposure to pornographic material online. Some of the children felt that the onus is on both the people who post such videos and children themselves.

It is their (the people who post pornographic material) *responsibility not to post such videos online and it is our responsibility to not watch them or know what they are about.*

Others thought parents play a huge role in keeping them safe online because "*they are the ones who bought them the cell phones*" through which they access the internet.

"They can't allow me to research things on the internet that I am not supposed to be researching"

The children noted that not all parents are internet savvy, this begged the question of how will they be able to protect their children online when they themselves do not know how to navigate the online world. They noted that it is important to teach parents so that they can be aware of what's right for their children and what's not and how to raise good digital citizens.

Session 3: Spheres of influence- Expectations of duty-bearer's roles

This session examined the views of young people about how various duty bearers, such as the government, family members, service providers, might be able to help young people to stay safe online.

Participants were given the "Spheres of influence" diagram (see Appendix 3) and had to work in groups to come up with ways in which the various stakeholders can ensure their safety online. They had to outline the key responsibilities of some of the individuals identified in each sphere.

Most of the participants struggled to come up with ways the government can help children stay safe on the internet. It is not clear why this was the case for other participants, especially the younger children. However, MMA holds that the fact that children struggled to articulate government's responsibility for online safety is a clear indication that government marginalises children and also that government is neglecting its responsibility to realise child participation.

The older children from High Schools were very vocal about why they struggled to outline the government's responsibilities when it comes to their online safety. They were weary of the role the government can play in ensuring their safety online because. According to one of the participants

"The government can't solve serious problems like things that appear more important like health and unemployment, so how are they going to deal with cyber-bullying which looks like something insignificant compared to other stuff we face as a country."

Other participants still thought that government can still play a role.

"*Government should invest in more awareness programmes in schools and work with organisations that promote the safety of children online.*"

The role of parents as noted above was highlighted as a critical one. Parents were seen as the key duty bearers for ensuring that children stay safe online.

Below are more findings from the levels of support group exercise.

	Levels of Support	Examples of people who can help us keep safe	What can they do to keep us safe
1	ME	Me	I should try and learn to stay safe online. I must not accept friend requests from people I don't know. Listen to our parents when they warn us about strangers online and on social media. I can stay safe online by reporting things that I don't know and that I don't like and want to see. By spending less time on the internet. Not entering sites that I do not know. Ask adults about sites that I don't understand. Only use Google because it is not dangerous to children. Not talk to strangers. Go to the library instead of the internet and read books. I will be aware of cyber bullies and child predators. I won't give a lot of details about me like where I stay. I can install privacy settings. Control the information I share about myself. Be aware of my rights. Read the terms and conditions of various sites, social media platforms. I should stay away from things that are not suitable for my age. To be more aware and stay away from bad pornography videos. Go to websites that are suitable for my age. Ask for parental guidance before using any application. I should block people I do not want to talk to
2	MY FAMILY	My Parents	Mom and dad should check our phones and online conversations. They can help us and show us signs on how to prevent pictures and unwanted videos. They can put or be able to put passwords on their child/children's accounts. They can make sure that i spend a certain amount of time online. Parents can help me report cyber bullying, harmful websites to the police and FPB so they can take further action to help me. They can guide me through the internet. Should raise me with good morals. Parents shouldn't buy tech devices for the younger children. Not allow me to go on 'x-rated' sites. Our parents must download and search history of our internet activities. They must install an App that tells them about my online activities. They should make sure that we are not exposed to inappropriate contents or videos.
		My Siblings	My family members can teach/explain to me how the internet/ social media works and the good and bad things. They can watch over me while using the internet. Block the strangers who are chatting to me. Warn me about things such as internet dating. Can educate and give us guidance about cyber bullying.
3	PEOPLE CLOSE TO ME	Neighbours/community members	They can help us by giving us solutions to dealing with cyber bullying. Shouldn't allow access to their wifi. Give us positive advice and not lie about us online.
		Friends at school	Can help me stay safe online by not sharing my numbers with strangers. Not sharing personal details about me to people I do not know. Can share their bad online experiences with me.
		My teacher	Can educate me on how to stay safe online, how to keep our passwords and personal information safe. They can organise a meeting every once a week to teach us or show us to be safe online. The schools should campaign about online safety
		Library	Libraries can provide/ make books that teach us about the internet and on online safety available. Can block content that is not appropriate

	Levels of Support	Examples of people who can help us keep safe	What can they do to keep us safe
4	SERVICE PROVIDERS NEAR ME	My Pastor	Can hold a community meeting to educate or raise awareness about cyberbullies and child predators. Can preach about internet safety
		Internet Café, Malls, Hospitals,	Posters that warn children about bad things online should be put up in these public places.
		Police	Can go to schools and inform children about cyber bullies
		MTN, Vodacom	Should provide internet services laws that can protect children. Should take children's age before using the sim card so that when you search harmful content on the internet it automatically blocks you.
5	BIGGER SERVICE PROVIDERS	Google	Ensure that inappropriate pop-ups are not shown in websites.
		FPB	The FPB should not allow people to post adult stuff on the web. Make a site for children-use only. So they can be safe online. Provide age restrictions for explicit websites
		Justice System	Can make stealing passwords illegal and can give a jail sentence for a few months
		SABC	Can run adverts or make adverts on how children can stay safe online. Can make a TV Programme where children get kidnapped because they lack information on how to be safe online. These adverts must be made available on radio stations as well. The adverts should promote online safety in channels/ programs we love to watch.
6	GOVERNMENT		Children should be allowed to report issues like cyber bullying to the Department of Communication. The Department should block the person who takes advantage of the social networks and uses the social network or internet for wrong reasons. They should put age restrictions to protect us children from associating ourselves with the wrong people. Government should make sure that most of the sites do not violate the child's right. They should create a new website that children can use when accessing the internet or other social networking sites for children. Take action. Ensure age restrictions on specific sites. Should make sure children get what they need in order to be protected, such as providing education of how people are being victims of all the bad things done on the internet.

Session 4: Discussion on the FPB's Online Draft Regulations and its implications on children

In this session the aim was to discuss the Regulations and whether they will be able to meet the core objective of protecting them online.

The children gave careful consideration to the draft regulations and to how they might operate in practice; they expressed some caution about supporting them unreservedly until it was demonstrated they would work in practice.

Some of the young people found it difficult to conceive how the FPB will protect them online by merely classifying content. They felt that even though restrictions were put on television programmes that did not deter young people from watching them.

Even if content is classified online, that won't stop children from accessing them because they will say "*no one is watching, children will still watch it.*"

"even if you put regulations on content people can still go to it and access it because it is only a regulation, it is not like you will be blocked or anything…people would still go there if they wanted to"

"Children don't listen and don't care about restrictions or warnings and there no one to stop them from doing it and there's no point"

"Children don't mind about the age, they even watch anything they want to watch and no one is gonna tell them that they can't watch it."

"They should put a password on things that are rated 18 and 16 and should tell the parents what the passwords is"

"if you are chatting to someone that person might send something that is pornographic to you and you don't want to see it and nothing can stop that because they sent it to you."

Some of the children were worried about the time it will take to classify content. For example in cases where children are content creators themselves, they (FPB) might take time to check and classify their content.

"I think it is a good idea but my question is how are they going to manage all that information going around the internet?"

Concerning the clause about co-regulation and the training of content producers to become classifiers, some of the children felt that people could easily cheat or find ways to bypass the system.

"*If they want to put up something urgently, they could just put age restrictions that are not appropriate."*

There were mixed responses between the high school group and the primary school group in their views about the regulations. Some of the primary school children felt that they needed to be protected, perhaps because of their age and level of maturity; the high school students on the other hand felt that the regulations were "too harsh and extreme" or "over protective."

Some of the younger children felt that what the FPB was trying to do through the regulations was "too much." During one of the consultations, one of the participants asked

"Is it like spying what they are trying to do?"

Conversely, others felt that the regulations are 'fine' but

"*they shouldn't stop them from watching the things that they like to watch, like videos, also while watching those videos, they should checking in all the time asking 'is this video appropriate for you, do you want it on youtube, or should we take it out and how old are you?'"*

"There are certain times when we would like to be protected like when we are talking to someone we have not met. There are places where we would like to be allowed to be free."

The older group felt strongly about the regulations and the potential consequences on their right to access to information, privacy and "freedom of choice."

"I understand that they are trying to protect us but for one we do not have the money to be wasting going to do all these checks. We don't have the time cos the whole purpose of these social media networks is to get things across really fast; it is supposed to be efficient. But then if you are going to be doing all this, it just defeats the whole purpose"

"There is no way you can protect a person, they have to learn by making a mistake. There is no way you can learn by not making any mistakes….They can't check everything. It's a waste of time, there will be no use of the internet, for social networking…. It is not fair"

"They could try but based on the amount of people in the world who use the internet I don't think it is possible because obviously people around do not like other people going through their stuff...It's kinda like let's say if you want to chat to a friend about something personal. It creates this thing of like no, I am being watched or I am not alone. It feels like it invades our privacy in a way so I don't really think it is a good idea."

Most of the participants agreed that protecting children online is a legitimate cause. But they felt that the FPB

"*Should find another way around it. Come on, let's be real you can't decide for me what's good for me. Who are they to say 'you will get this sort of content because this is what we said you are going to get*"

'I understand that they are trying to protect us from pornographic materials, and violence and all. But then fact being, in the world you can't really really stop violence. It is happening around us. You can take procedures to stop it and stuff but I think that the best way to protect us from that is for us to know about them and be aware about these things and for us not to actually send them. You can't stop billion people… I don't think that people would agree

Some of them felt that the role of protection can be better played by themselves and parents.

While we had an open discussion about the regulations, a lot of children's views on the regulations were captured in the last session where they had to write their key messages to the FPB on their proposed regulations.

Session 5: Key messages

In this exercise, we wanted the children to give their individual views on what they feel is the best approach when it comes to protecting them online. Each participant was given a piece of paper on which to write a message to the FPB and other duty bearers about what should be done to ensure that they are safe online. See Appendix 4 for some of the key messages from children.

There was some agreement that children need to be protected online. Most children felt that they needed to be protected from things such as exposure to pornographic material online.

While the potential help the FPB could give was recognised, there was concern about how their information would be handled and the actual work involved in classifying content.

Observations

- Majority of the children consulted where not aware of what the Film and Publication Board is and what they do. All of them had no knowledge about the draft regulations.
- We observed a sense of agency to online safety in the sense that the children could identify various ways that they can protect themselves online. Most of them felt quite responsible for that role.
- The discussion on online safety showed that children currently are aware of ways in which they can protect themselves online, and while they can protect themselves they can use some help from parents, teachers etc.
- Importance was placed on the easy access to information on the internet and how the regulations might hamper this
- In relation to all of the regulations, the older children had concerns about confidentiality and privacy. They expressed fears about their rights to privacy and access to information will be violated should the regulations be passed as law.
- The spheres of influence exercise showed the children that keeping children safe online cannot be left to an individual. Instead the whole community needs to play a role. Thus solutions geared towards online safety should involve a multi-stakeholder approach.

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Conclusion and recommendations

MMA's research team believes that child participation is very important and vital for developing a future generation that is responsive to its democratic rights and responsibilities. We believe that children can form opinions and participate in debates and discussions on any matter that they can comprehend especially when it is about children's issues. This exercise was an important one for the children who participated, all the children felt proud that they were able to contribute their ideas in an effort to bring great change to children around South Africa and perhaps the world.

These consultations revealed that when given the opportunity children can offer great insights. But more than anything they revealed that children are worth listening to. Therefore there is a greater need for platforms such as the one provided by MMA, that allow children the opportunity to engage with policies that affect them be scaled-up so that more children's voices can be heard.

It is clear from the consultations that children want to be protected from exposure to pornographic material and other risks and/or harms online; they feel that the Film and Publications Board's intentions are good. However the approach to protecting them online needs to be revised. The approach needs to take into consideration the rights of the children.

In many stages of the consultations, the older group of children seemed to have varying views to the younger group about online safety. This illustrates that children have different vulnerabilities and this depends on their ages. They are not a homogenous group. They use and want different things from the internet. How they should be protected should speak to their different ages and levels of maturity. Therefore it is important that efforts to protect them online be tailored to the diverse groups of children.

Moreover, one of the recurring online risks identified during the consultations is the exposure to pornographic material and harmful content. As suggested by the children, it is probably better to minimise these risks by investing in educational programmes that teach children how to stay safe online and how to react when faced with such content. As illustrated from the consultations children have agency, they are aware of the dangers that lurk online, and are able to make their own decisions. All they need is guidance from various individuals but most importantly their parents on how to navigate their way around the online space, on "how to choose between what's right for them and what's wrong for them". Overall, a progressive, practical, balanced approach that protects & respects children's rights and considers their best interests is one that children hope for and one that MMA's children's team certainly hopes for.

Appendix

Appendix 1

Schedule for FPB Policy discussions with children

Venue	Date	Time
Parkhurst Primary School	23/06/2015	09:00-11:00
Naturena Primary School	23/06/2015	12:00- 15:00
Troyeville Primary school	24/06/2015	12:00- 15:00
ParkSenior Primary School	25/06/2015	12:00- 14:00
Parktown High School for Girls*	30/06/2015	10:00-13:00

*The final workshop took place at Parktown High School for Girls. The children who participated in the workshop were from both Parktown High and Barnato Park High schools

Appendix 2

Workshop Outline/Programme

FPB Draft Online Policy Focus Group Discussions		
Time	**Activity**	**Materials**
5 min	**Ice Breaker:** Brain teaser/ role playing game	
5 min	**Introduction:** Explain the purpose of submission and explain what FPB is briefly and state what we are doing	
15 Min	**Activity 1: What is the internet?** 1. Define the internet or online world 2. Get children to state what they like about the Internet? What kinds of things can they do on the Internet? 3. Ask the children what they do not like about the internet **Record all interactions**	Markers Recorder
25 Min	**Activity 2: Discussion on online safety** 1. Ask the question: what are some of the challenges that children face online? (Use a flip chart) 2. Ask: How do you protect yourself online? what are some of the things you do to ensure your safety online? 3.Ask: What more should be done to address some of these challenges identified in Q.1?	Clean A4 Paper Crayons Pencils Rulers Flip Chart Marker Recorder
40 Min	**Activity 3: Spheres of influence?** 1. Begin the discussion by explaining what the spheres of influence are 2. They should now try and match the solutions they came up with to the different spheres. They should outline the responsibilities or each sphere. If they can, they should break down and outline the different players in each sphere. So for example, under government who are they expecting to take responsibility, which department. Optional (Get the children to do A4 colourful posters detailing their solutions of what each player should do to ensure their safety online including what they themselves as children should do to keep safe online? **Record the discussions**	Recorder, Flip charts, crayons
45 Min	**Actvity 4: Introduce the Online Draft Regulations as an initiative by FPB** Briefly Define:What FPB's role is? 1. Optional: show the participants where they (FPB) would fit in in the spheres of influence) 2. What are the regulations about? 3. Discussion: What do they think about them 4. Ask: Is this the best approach?	Recorder , infographic (detailing FPB's function and a summary of the regulations)

	Record all coversations	
30 Min	**Activity 5: What advice would you give to FPB going forward?** 1. Ask the children to write their advice (at least 3 things they want the FPB to know) on a piece of paper to policy makers in general on online safety (**Record the discussion**)	Recorder A4 ruled paper (from exam pad) Pens
5 Min	**Wrap up** Inform the children about the step to follow. i.e. How their views will be taken forward	

Appendix 3

Spheres of influence

Appendix 4

Key Messages

Below are some of the key messages from children regarding the regulations

I think the FPB ~~should~~ is being over protective. They Should put the age restriction on the videos and our parents can guide us and tell us which videos and movies we should watch. What FPB is doing is good, but it is impossible to happen. lot's and lots of videos ~~movi~~ movies, photos are sent everyday so they won't be able to go through all of them. FPB can also ask the people to stop publishing things which children cannot watch.

The FPB should only put age restrition on ~~sites~~ contents e.g. facebook, twitter But they should not check whatever people upload on line. That will become a bit overprotective. If they check every video, movies ~~or~~ and many more people will stop using the internent. But what they're trying to do is right but it a bit over protective.

Dear FBP

You can protect me by encrypting adult websites with a ID Number and also by making sure there are no pornographic pop-ups ~~at~~ on legible web sites

regards
Junior Nxusa
Naturena

They should create a web-site that children should enter in order to use the internet were in that website it should be like Google, it should supply with information, fun facts, jokes and fun online games. It should be able to supply all the information a child should need when doing a research. It should be really coulourful which children enjoy and when they enter they totally forget about all the video's in You-tube. It should be extremely fun and based with fun about being a child and education. It should have an online dictionary translation dictionary and much much more a child would need ful research or help.

The 7PB Should have a site for children only & for adults only. Children can be safe on thier own site because it will just be them

I thinks the best way to protect children is to continue warning children because it is too much to be overprotective.

Shalom Weldeyesus

I think fpb must continue putting agerestrictions on movies, videos, etc but they must not be over protective. And they must inform children about cyberbullying and ask also people like policeman to go to every school and Educate learners about the dangers of the internet and children predator they can make billboard talking about the dangers of the internet. They can also put ageristriction on the internet.

1. I advise that should advise us. ~~In a~~
2. I think what you are doing is not right because if you do that then ~~it~~ the internet would be slow and no one would wanna use it anymore.
3. I think the right thing to do is to rise awareness by maybe a ~~bod~~ boadcast or a small puflet so that people ~~no~~ know about what they are doing.
4. If the fpb ~~a~~ continue with there plan they would destoy fun thing about the internet.

FPB

Dear: FPB

• I think you should not do this on the internet, maybe like when looking for a topic on the internet.

* They do a good job but sometimes PG13 is on everything and it becomes boring sometimes.

From: Vatshidzi Netsiand 7

Siyanda Tantsi 6

* Say what to do for children
* and say what to do for adluts
* Ask there ages
* don't be overproctective
* don't make them feel spyed on.
* can have Age restiction if neccesare.

Dear: ~~FB~~ FPB MAMOKHELE NTHOBA

1) I would like that if you proctect the children you ~~they must~~ should teach us children to avoid pornography Like put in the question in the internet before using the adults things, such as ID Number and age. And when we want something the internet should not show us other things.

Best ways

- I think the FPB should go around the countries raising awareness of being safe online by having discussions with school learners/students about being safe online.
- They (FPB) should also keep in mind that people dont like being watched/ ~~go~~ other people going through their stuff because it feels like they (FPB) are spying on us now.
- How is FPB gona control billions of people on the internet? I lot of people feel embarrased to tell people what they're gona search about like for example body changes and all.. I dont think the public would allow them (FPB) To violate their privacy like that.
- They should put themselves in our shoes and see how it feels to be watch 24/7
- It's not a good idea because it's like we can't be trusted in a way
- It's our responcibility to choose what's right and wrong

To FPB (Cayleigh Jacobs)

I think these regulations are both good as controlling content on the internet is important especially for younger children, as well as influencing safe use of the internet benefits children to grow up knowing what and what not to do on the internet. However by regulating the internet, you are also tapping into the youth's privacy as well as their access to information which isn't fair as in this century, the internet is an important tool in our education and by not being able to access it faster / at all you're infringing on our education

To FPB

I think that this approach is not the best in terms of controlling all content online. Firstly, it is time consuming. Secondly, it requires money. This basically defeats the whole purpose of being able to get information across fast and efficiently. Having there regulations would be a depriration of information to us and also a deprivition of privacy as everything will be controlled. It is unfair to have someone / an organisation choose what content you will be allowed because it should be someone's personal choice to access certain information. I would suggest not taking such extreme measures but rather educate people on their online safety. It is better to

- I say 'no' because it violets our right to privacy.
- And that they should not make people uncomftable.
- The Fpb could just look for people who are trying to post naked pictures and when the keep on doing it the should open a case about it.

Dear Fpb

I would like you guys to protect us by putting in parental-guidance on some social medias but not to much because someway we would all like to comunicate with our friends and family's but it is also our responsibility to know what is right and what is wrong.

Thank you

Vuyolwethu Mkhize
MPS

Dear : fpb

The fact you want all information to pass through your services first is not appropriate at because you want to protect my rights whilst you are violating my righs. I have a right to My Privacy. I am the only person to access my information and the person im sending it to, if this suggestion of yours is approved then that means i am giving away my secrets well I say no thanks to that. It would be best if you come up with something else that is way better than this.

A mush better is to use ons. accounts which have our identification

Dear : FPb

I think you are doing good by Regulating some explict contents but know you have gone to far know you want to violet our rights have children the right you violating is the right to privacy you cannot choose for me which website I want to log into and what I want to post into my Social Network its my choice weather I want to go into an explict website or not you cannot choose for me which path you want me to go in I am the one who has my future in my own hands and shall deside weather I want to waist it or not because one thing you must think about we all make mistakes in life and that comes with the Job description of being a heuman being its up to us weather we will be miss used by this explict context or not we know you are trying to help but you have gone over the bars on this try to find another way or find another altenitive root around this issue that affects us as the youth and the future of South Africa

yours
Arthur Zikhali

Dear : Fpb

I don't agree with the way in which you are proposing to protect children's rights and safety online.

Regulating everything and requiring every message and video to go past you before being sent or published is too extreme. It is also a violation of the right to privacy and access information.

Children should be protected because they are vulnerable but the way you are proposing to protect them by is too harsh and extreme. I suggest that you consider using other ways of protecting them ways that do not violate their rights and also ways that do not defeat the purpose of the ~~[illegible]~~ internet (communication being fast and easy).

From: Mbali Mathanjana.

Dear fpb

I unterstand your regulations and that your intentions are good. However I do not think that they are realistic because they defeat the purpose of ~~the~~ the internet. People prefer efficient internet connection and, by the fpb having to ~~se~~ see all content before it ~~is~~ being put on the internet takes up alot of time which frustrates many people. Secondly inorder for content to be checked people have to pay, this is quite unrealistic in South Africa because most of our population is poor. I think that the fpb needs to

re-evaluate these regulations and consult the people affected by them. Not enough research and thought seems to be put into these regulatio This is definately not the best approach. ~~and~~

Regards

Christy Chitengu

Chitengu