STRENGTHENING CHILD PROTECTION IN THE DIGITAL AGE

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Research shows alarming statistics: many children navigate the internet without parental guidance, engage with strangers online, and encounter inappropriate content. The Film and Publication Board ("**FPB**") strives to mitigate these risks by enforcing regulations, advocating for digital child safety, and providing essential guidance on safe online practices. *The Films and Publications Act*, 65 of 1996 (**"FP Act**"[1]) has undergone significant transformation, expanding the role of the FPB into a fully-fledged online content regulator. With the digital landscape evolving rapidly, the FPB now wields legitimate powers to regulate the creation, production, possession, and distribution of films, games, and certain publications. At its core, this legislative framework seeks to protect children and the general public from harmful content while promoting digital safety.

Mandate of the Film and Publication Board

While the FPB's primary function revolves around classification, its broader mandate is centered on ensuring child protection in digital spaces. This includes:

- Combatting Child Sexual Abuse Material, commonly referred to as child pornography.
- Providing consumer guidance to ensure responsible digital consumption.
- Raising awareness among parents and caregivers about online safety.
- Conducting educational campaigns to prevent digital harms affecting children.

Child Protection Week and Collaborative Efforts

Child Protection Week ("**CPW**"), spearheaded by the Minister of the Department of Social Development, was initiated by the South African government in 1997. This annual initiative seeks to raise awareness and mobilize communities to prioritize child protection. Running from the last Sunday of May to the first Sunday of June, CPW emphasizes national efforts to safeguard children from various forms of exploitation. The FPB actively supports the Department of Social Development during CPW, engaging in awareness campaigns across the country. Through these initiatives, the FPB

educates the public on the risks associated with online exposure and provides guidance on preventative measures.

Emerging Digital Threats to Children

Advancements in technology, increased internet accessibility, and the widespread use of mobile devices have reshaped how information is consumed. While these developments offer numerous opportunities for learning and social interaction, they also pose serious risks to children. Some of the threats include:

- cyberbullying and online harassment;
- online sexual exploitation and grooming;
- cyberstalking and exposure to inappropriate content; and
- networks facilitating child sex trafficking.

According to the **Disrupting Harm**[2] study:

- 70% of surveyed children use the internet without parental consent.
- 25% have added individuals they have never met face-to-face to their friends list.
- 18% have sent photos or videos of themselves to unknown persons.
- 67% of children have encountered sexual imagery online.

Moreover, children who experience online exploitation often avoid discussing their trauma, potentially leading to long-term psychological and emotional consequences.

Guidelines for Parents and Caregivers

To safeguard children from digital dangers, parents and caregivers can implement the following measures:

- Monitor children’s social media activity and online interactions.
- Utilize parental control software to filter harmful content.
- Encourage children to avoid engaging with strangers online.
- Teach children not to share personal or sensitive information digitally.
- Discourage meeting unknown individuals in private settings.

Child Protection Under the Films and Publications Act

The FP Act in South Africa includes provisions aimed at protecting children from harmful content. It regulates the classification, distribution, and exhibition of films, games, and publications to ensure that children are not exposed to inappropriate material. The Act criminalizes the possession, creation, and distribution of child pornography and mandates strict penalties for violations. Additionally, it requires internet service providers to take measures to prevent access to prohibited content. The FPB plays a key role in enforcing these regulations, ensuring that media content is appropriately classified to safeguard children.

Chapter One of the FP Act presents key definitions relevant to its provisions. Among these, the definition of child pornography is particularly significant. It is described in accordance with Section 1 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007, which outlines what constitutes child pornography and the legal implications surrounding it. In this context, child pornography refers to any image, representation, or material whether real or simulated that depicts a minor engaged in a sexual act or posed for a sexual purpose. The Act criminalizes the creation, possession, distribution, and facilitation of such material, and imposes strict penalties to safeguard children's rights and dignity.[3]

Section 18G of the FP Act strictly prohibits the creation, production, and distribution of any films or photographs that depict sexual violence or violence against children, regardless of the medium, including the internet and social media.[4] The regulation applies even if the person appearing in the material initially consented to its creation. Additionally, the law defines films and photographs broadly, encompassing any still or moving images, including those that have been altered. The section also clarifies that filming refers to capturing recordings on any medium that can generate moving images. Furthermore, internet service providers are required to disclose the identity of individuals who publish such prohibited content when requested by the FPB or the South African Police Service. These measures aim to prevent the circulation of harmful material and protect children from exploitation.

Section 24B of the FP Act outlines serious offences related to child pornography and the sexual exploitation of children.[5] It criminalizes actions such as possessing, creating, producing, distributing, and accessing child pornography, as well as assisting in its procurement. Convictions under this article carry severe penalties, with first-time offenders facing fines or imprisonment of up to ten years, while repeat offenders may receive harsher sentences, including imprisonment for up to 15 years. Additionally, individuals involved in the importation, procurement, or facilitation of such material face increasing penalties depending on the frequency of their offences. Courts have discretion to impose sentences based on the Criminal Procedure Act, ensuring that offenders are held accountable. This provision reinforces South Africa's commitment to protecting children from exploitation and preventing the circulation of harmful content.

Section 24F of the FPB Act strictly prohibits the creation, production, or distribution of any films or photographs depicting sexual assault and violence against children.[6] Anyone who knowingly participates in the production or dissemination of such material whether directly or indirectly will be guilty of an offence. Upon conviction, offenders may face a fine of up to R150,000.00 (one hundred and fifty thousand rand), imprisonment for up to two years, or both. This provision reinforces South Africa's commitment to protecting children from exploitation by imposing severe legal consequences on those involved in the circulation of harmful content.

The public is strongly encouraged to report any suspected instances of child exploitation, online grooming, or the distribution of Child Sexual Abuse Material. Such reports can be submitted to the FPB via their dedicated hotline at **hotline@fpb.org.za**.

The enhanced regulatory mandate of the FPB reinforces South Africa's unwavering commitment to safeguarding children in the digital era. While the internet serves as an invaluable tool for education and social development, it necessitates proactive vigilance from parents, guardians, and policymakers. Through sustained awareness and collaborative efforts, children can safely and securely navigate the digital landscape.

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[1] The *Films and Publications Act*, 65 of 1996.

[2] UNICEF Innoncenti, ECPAT International and INTERPOL.

[3] Section 1 of the *Films and Publications Act*, 65 of 1996.

[4] Section 18G of the *Films and Publications Act*, 65 of 1996.

[5] Section 24B of the *Films and Publications Act*, 65 of 1996.

[6] Section 24F of the *Films and Publications Act*, 65 of 1996.