

SUBMISSION TO THE SOUTH AFRICAN LAW REFORM COMMISSION
30 July 2019

PROJECT 107
SEXUAL OFFENCES: PORNOGRAPHY AND CHILDREN
DISCUSSION PAPER 149

Dear Sirs

As a company focussing on practical digital parenting solutions, we are pleased to submit the following comments for your consideration. We have focussed on chapter 2 of the Discussion Paper, namely *Access to or Exposure of a Child to Pornography*, being one of the areas we research, track and specialise in.

GENERAL COMMENTS

We appreciate the intention behind the proposed regulation of the default settings on devices, to limit the exposure of children to pornography and other unsuitable content.

Given the challenges we have experienced, we recommend the following additional areas, over and above the internet, for inclusion in the scope of regulation. If the default filter settings on mobile devices are not able to manage these potential sources of pornography, addressing internet browsing is merely the tip of the iceberg.

Apps:

Many Apps are a source of, or enable access to, pornography. These include dedicated porn apps such as PlanetPron, some of which are only available from the App maker, not from Google Play Store or I-Store. Other Apps, which are commonly used by both adults and children, and may result in intentional or inadvertent exposure of children to porn include many commonly downloaded apps such as Twitter, Tumblr, Flickr, Instagram, Bigo Live, YouTube etc.

This issue is complicated by the creation and availability of Apps to hide Apps, otherwise known as Vault Apps. Many of these are used by children, including the Calculator Vault, Nova Launcher and Locker.

Bearing in mind that the age restrictions of Apps and games are not currently regulated by the Films and Publications Act, 1996, we have attached hereto, a review of currently popular Apps, including risks and concerns, as well as age limits as recommended by Common Sense Media <https://www.common sense media.org/>, a US based non-profit organisation

advocating for media and technology that supports the well-being of children, and with which we have an alliance.

Games:

Games, accessible by children, and that include pornographic material include Rape Day and Roblox (discovered to contain virtual “sex rooms”). Games can also be stimulators for aggression, violence, alcohol and drug use, bullying and suicide. The age restrictions for many games on the Google Play Store and I-Store are set by the makers and defy Google and Apply age rating policies and filtering tools.

Pop-up adverts:

Advertising, whether on internet sites or Apps such as YouTube, is ubiquitous. A 2018 study published by the *Journal of Developmental & Behavioral Pediatrics*, reviewed 135 different apps aimed at children—including many from the “5 And Under” category at the Google Play store—and found that 100% of free apps and 88% of paid apps included ads. Researchers found that play in the apps was frequently interrupted by pop-up video ads, commercial characters persuading kids to make in-app purchases, and banner ads they labelled as “distracting, misleading and not always age-appropriate.” They also documented instances where the apps asked the user to share information on social media sites, requested permission to access phone functionality, asked for microphone permission, asked for camera permission, and requested location access.

RECOMMENDATIONS:

Whilst regulation of default settings on mobile devices is a proactive area to consider in the context of reducing possible exposure of children to pornography, we believe it is only one strategy in a multi-pronged approach to this challenge. The main sources of pornography, over and above the internet, need to be taken into account, in order to widen and define the filtering measures required to protect children.

We are available, together with our technical partner, Dial a Nerd, to provide more practical advice and guidance in this regard. In particular (and in addition to the above), Dial a Nerd has questioned the potential liability that schools will face with the provisioning of technology to learners, and access to the internet via school-controlled servers.

Please do not hesitate to contact us, if we can assist you further in finding solutions to what we believe is a vital and critical challenge in this digital age.