

# Disrupting Harm

**Evidence from 13 countries on the context, threats, and children's perspectives of online child sexual exploitation and abuse.**

Detailed Analysis of Interviews with Government Duty Bearers  
Namibia

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This report is a summary of preliminary data collected for this research project. The perspectives contained herein represent the individuals interviewed and surveyed. Support from the Fund to End Violence Against Children does not constitute endorsement.

# Introduction

*Disrupting Harm: evidence to understand online child sexual exploitation and abuse (OCSEA)*, is a unique and collaborative research partnership between ECPAT International, INTERPOL, and UNICEF Office of Research – Innocenti. Leveraging their specific expertise, each partner sheds light on separate but interconnected areas: context, threats and children’s perspectives on online child sexual exploitation.

- Context by ECPAT International through portraying laws & policies in action;
- Threat by INTERPOL through the collection of crime and other data;
- Children’s voices by UNICEF Office of Research - Innocenti through surveys with children and their caregivers.

The countries of focus in Southern and Eastern Africa region are: Ethiopia, Kenya, Mozambique, Namibia, South Africa, Tanzania, and Uganda. The countries of focus in the Southeast Asian region are: Cambodia, Indonesia, Malaysia, Philippines, Thailand, and Vietnam.

Research took place between 2019 and 2021. Up to nine separate research activities were undertaken in each country by the three project partners. Preliminary analysis for each activity was first conducted before the results across all the nine activities were consolidated into each national country report. These can be found here.

This report is the preliminary analysis conducted by ECPAT International of interviews conducted with an identified sample of government duty bearers whose mandates include addressing online child sexual exploitation and abuse at a national level. The aim of interviews was to identify emerging issues and trends, recent progress and upcoming plans and priorities in Namibia’s current legislative and policy environment. In Namibia, 10 interviews with a total of 10 participants were conducted.

| ID Number   | Ministry/Government Agency                        | Position  |
|-------------|---|---|
| RA1-NA-01-A | Parliament/ National Assembly                     | Head of Committees                                    |
| RA1-NA-02-A | Ministry of Education                             | Deputy Executive Director                             |
| RA1-NA-03-A | Ministry of Gender – Directorate of Child Welfare | Director of Child Welfare - Oversees Child Protection |
| RA1-NA-04-A | Ministry of ICT                                   | Deputy Minister                                       |
| RA1-NA-05-A | Office of the First Lady                          | National Child Online Task Team Member                |
| RA1-NA-06-A | Ministry of Safety and Security                   | Deputy Commissioner                                   |
| RA1-NA-07-A | UNICEF  | Online Child Protection Expert                        |

|             |  |  |
|-------------|--|--|
| RA1-NA-08-A | Ministry of Health and Social Services | Senior Social Worker                             |
| RA1-NA-09-A | Ministry of Justice                    | Deputy Executive Director                        |
| RA1-NA-10-A | National Assembly                      | Former Deputy Minister of the Ministry of Gender |

In Namibia, the interviews were conducted utilising a semi-structured interview schedule that allowed for exploration of emerging issues. Due to the COVID-19 pandemic, interviews were conducted both in-person and virtually. More information on the methodology and data analysis for this research activity can be found [here](#).

## Public awareness of the threat of OCSEA

Several of the respondents indicated that public awareness campaigns have been occurring in Namibia and the importance of awareness raising was uniformly understood (RA1-NA-02-A, RA1-NA-07-A, RA1-NA-09-A).

One respondent thought *“awareness for children, parents and service providers is the key to preventing these crimes”* (RA1-NA-04-A, Deputy Minister, Ministry of ICT).

However, the need for awareness raising requires more than one day events to achieve its end. One participant referenced UNICEF’s efforts, but also noted that awareness raising has to be ongoing (RA1-NA-10-A, Former Deputy Minister of the Ministry of Gender, National Assembly).

The NGO Lifeline<sup>1</sup> was reported to have had an outreach campaign in 7 regions, reaching out to students with information on protecting themselves online (RA1-NA-07-A, Online Child Protection Expert, UNICEF). Additionally, the US Embassy conducted some awareness raising, and the British High Commission supported awareness raising initiatives (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice).

However, despite these types of one-off events, when asked about national level awareness raising by the Government of Namibia, it was stated that *“there was nothing comprehensive”* and there is *“no targeted prevention campaigns [on OCSEA]”* (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

While the respondent did mention Safer Internet Day and the government encouraging stakeholders to engage in awareness raising activities, these individual events were found wanting in addressing the issue at a national level.

Respondents stated that there was still a serious need for more awareness raising and prevention initiatives (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice)

*“We still need to do a lot”* (RA1-NA-01-A, Parliament/ National Assembly, Head of Committees).

*“A lot more awareness raising should be done”* (RA1-NA-02-A, Deputy Executive Director, Ministry of Education).

Older children (over 10 years of age) who are in an urban environment, such as Windhoek, were seen as particularly at risk of OCSEA (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

<sup>1</sup> [Online Safety | LifeLine/ChildLine Namibia](#)

It was noted that schools are one place in which general awareness raising about online safety was currently taking place as part of the established education curricula (RA1-NA-01-A and RA1-NA-09-A). However, OCSEA is only one component of the school safety framework (RA1-NA-02-A, Deputy Commissioner, Ministry of Safety and Security) and possibly insufficient in terms of instructor knowledge and ability to discuss this topic comfortably with learners.

An example of another component included in the online safety program in schools was online bullying (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security).

However, one respondent said that having reviewed educational materials, it is *“very basic”* general information. It was not information on issues that are timely or topical. It didn’t cover information *“specifically talking about OCSEA or trafficking or early marriages.”* The respondent noted that the materials need to be more *“relevant”* to the pragmatic contemporary realities of child sexual abuse and exploitation, whether online or in-person, and that it must include age-appropriate information specific to different age groups and developmental levels (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

The need to go beyond school aged children and reach their parents or communities was also remarked upon (RA1-NA-02-A, RA1-NA-07-A). Further, several respondents believed that educating parents to give them the tools to assist in keeping their children safe online was crucial to success (RA1-NA-07-A, RA1-NA-10-A). However, a lack of resources to perform this task was cited as an obstacle. At the opposite end of the age spectrum, the inadequacy of assigning awareness raising exclusively to the schools was highlighted, given that many children already have knowledge well beyond most adults.

As one participant stated, *“My daughter is six years old and she can operate YouTube and all these things - we are really not teaching them at this level”* (RA1-NA-02-A, Deputy Executive Director, Ministry of Education).

Others spoke of the need for awareness raising for service providers (social workers and police), who may not have the requisite knowledge to recognise OCSEA as a type of online crime, specifically referencing sexual extortion and online grooming (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

The need for service providers to recognise the possibility that OCSEA may contribute to children exhibiting depression or other mental health issues was also noted as a reason for awareness raising among this demographic (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady). In addition, the need for awareness raising throughout the entire government was expressed (RA1-NA-08-A, Senior Social Worker, Ministry of Health and Social Services).

Finally, one respondent spoke of the need for public awareness raising to deal with the fact that the older generation of parents don’t understand OCSEA or the dangers and risks associated with their children

being online. Even for the enlightened and young parents, it can often be very difficult to comprehend all of the safety measures they should take to protect their children when online. The situation regarding the threats of OCSEA was summed up as *“we’ve only seen the tip of the iceberg in Namibia”* (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice).

It should be noted that awareness raising on online safety has been undertaken in some capacities, with ChildLine Namibia and UNICEF Namibia partnering for a range of activities around the launch of the national reporting portal in 2018 and under the umbrella of the Child Online Protection Task Force.<sup>2</sup> In addition, the Communication Regulatory Authority of Namibia has recently collaborated with MTC and Childline to disseminate Child Online Protection messages via SMS.

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<sup>2</sup> Communication with ChildLine Namibia.

## Government Ministries/Agencies

- Ministry of Gender Equality, Poverty Eradication and Social Welfare (previously known as the Ministry of Gender Equality and Child Welfare);
- Ministry of Safety and Security (specifically the Namibian Police Force or NAMPOL's units on cybercrime, gender-based violence, serious crime and high-profile crime);
- Ministry of Justice (prosecutors and the judiciary, as well as being a leader in drafting bills for presentation to Parliament);
- Ministry of Information and Communication Technology (MICT) – charged with ensuring the pending bill on cybercrime covers the gaps in the Child Care and Protection Act (CCPA) with regards to OCSEA;
- Ministry of Health and Social Services (to provide medical and psychosocial services);
- Ministry of Education;
- Office of the Ombudsman; and,
- Ministry of Youth (though this ministry deals more with children in conflict with the law than victims of OCSEA (RA1-NA-05-A).

Respondents generally indicated that the Ministry of Gender has the designated mandate to lead in addressing the issue of OCSEA (RA1-NA-01-A, RA1-NA-03-A, RA1-NA-05-A), though one respondent identified the Ministry of Information and Communication Technology as *“the main stakeholder”* (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice). This agency, for example, is pushing for adherence to regional and global Internet codes of conduct, among other activities.<sup>3</sup> This may be due to two different perspectives on the problem: one from a child rights-based perspective, and the other from a technology-based focus.

The Namibian National Child Online Protection Task Force includes representatives from the Ministries of Gender, Education, Information, Safety and Security (police/NAMPOL), the Communications Regulatory Authority of Namibia (CRAN), the Internet Society for Namibia, Namibia University of Science and Technology (NUST), NGOs/development partners (e.g. Lifeline and UNICEF) and the Office of the First Lady (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).<sup>4</sup>

The only Internet service provider of the five operating in the country specifically referenced as participating in the task force was Telecom (RA1-NA-07-A, Online Child Protection Expert, UNICEF). However, CRAN, the Communications Regulatory Authority of Namibia, was noted as helping the government engage with the private sector, such as the Internet service provider Mobile Telephone Network (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender –

<sup>3</sup> LEAP: A New Reality. (2015-2016) [Child Helplines Report on Online Child Sexual Exploitation and Abuse from Around the World.](#)

<sup>4</sup> [UNICEF Namibia | End Violence](#)



Directorate of Child Welfare). Not all respondents were aware of this task force (RA1-NA-02-A, Deputy Commissioner, Ministry of Safety and Security) despite their ministry forming part of it. This may be seen as a possible critique of its profile. The task force came into being in 2017.

The role of the Task Force is to establish *“what is currently happening”* in Namibia and how it is affecting Namibians (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

The Task Force is to assist in providing a broad, national response to child online protection, including OCSEA.<sup>5</sup> Further, it meets quarterly to provide feedback to the participating ministries on activities that each stakeholder has been conducting regarding child online protection.

The Task Force manages these activities and ensures interventions are properly coordinated at the national level, plans activities for the year, and makes sure that gaps are identified and addressed (RA1-NA-07-A, Online Child Protection Expert, UNICEF).

Its mandate covers influencing policy, advocating/lobbying for legislation, conducting research and linking frontline workers with training (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

One respondent highlighted its importance when noting *“the Task Force managed to get the political will from government to really make sure that OCSEA is on their political agenda”* (RA1-NA-07-A, Online Child Protection Expert, UNICEF).

While not a ministry, the Office of the First Lady (FLON) is a governmental office tasked with participating in the Task Force, and also supporting research (working with the University of Namibia and the Ministry of Safety and Security), child protection initiatives, capacity building, developing training materials, and helping other ministries strengthen their services (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady). The First Lady also uses her platform to raise awareness of child abuse generally, including specifically online forms of such abuse.

In addition to Ministries and development partners (such as UNICEF), Namibian civil society organisations and non-governmental organisations (NGOs) are also involved in the Task Force (RA1-NA-07-A, Online Child Protection Expert, UNICEF).

One respondent highlighted Lifeline/Childline as one such organisation. (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

In addition, the Legal Assistance Centre (LAC) is also involved. Beyond Namibian ministries or government offices, the United Nations Population Fund and UNICEF fund activities on this topic, and INTERPOL is also involved (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

<sup>5</sup> End Violence Against Children Fund. (2016-2019). [Grantees of the End Violence Fund: Namibia](#)

One respondent stated that some ministries may duplicate work (such as Health and Gender) (RA1-NA-05-A).

However, others stated that roles and responsibilities were well defined, and also pointed out the complementary nature of some of the roles. For instance, the roles of the police and social workers are clearly distinct, but potentially require referral from police to a social worker to deal with interviewing and establishing the trust of a child victim of OCSEA (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

It was also generally held that there was good cooperation between the Government and NGOs and CSOs. (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady). Cooperation between the Ministry of Gender and UNICEF was specifically noted, as was the cooperation and collaboration that exists through the Online Task Force (RA1-NA-04-A, RA-NA-07-A). Other respondents positively noted the cooperation between the police and ministries and NGOs (RA1-NA-02-A, Deputy Executive Director, Ministry of Education). The Namibian police are a member of the Southern Africa Regional Police Cooperation Mechanism, and *“within SARCO there is cooperation on vast numbers of issues”* (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice).

Finally, cooperation between the Internet industry, the government and NGOs was also mentioned (RA1-NA-01-A, Head of Committees, Parliament/National Assembly).

However, one respondent noted there was a problem with data retention and that, currently, service providers are saying that there is no law that requires data to be retained for longer than two weeks, which may negatively impact investigations. The respondent hoped this would be addressed by the new/pending legislation (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security).

## Budget

There is no existing, stand-alone budget for OCSEA. OCSEA is subsumed within the budget for child protection initiatives generally and nobody was able to estimate what proportion of spending was allocated to this (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

All ministries and their networks advocate and solicit for funding for child protection from the government. These ministries include Education, Gender and Justice. However, respondents repeatedly reported that financial resources were a constraint and more resources need to be allocated (RA1-NA-01-A, Head of Committees, Parliament/National Assembly). The limited funding in terms of OCSEA was seen as a key obstacle to providing an optimal response. Neither the Task Force nor the key stakeholders can implement OCSEA activities, such as trainings or awareness raising, without funding. *“Brilliant ideas and good initiatives exist that merit moving forward,”* but, due to limited funding, taking them from theory to practical implementation is challenging (RA1-NA-07-A, Online Child Protection Expert, UNICEF).

The only specific budgetary information gained from the respondents for activities currently being delivered was the budget for a regional level training for teachers on sexual violence. This activity was budgeted at approximately N\$950,000 (approx. US\$689,000 as of May 2021), and was provided by UNICEF (RA1-NA-02-A, Deputy Executive Director, Ministry of Education).

At a more general level, one respondent observed that the newly established cybercrime unit was very expensive to set up. Cooperation among ministries and agencies on matters funding was necessary to ensure that the unit was up to standard. One respondent estimated that the *“spending on this will run up to hundreds of millions of Namibian dollars. It’s a very very expensive exercise”*<sup>6</sup> (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice). I

It was also noted that there is funding support from international development agencies (UNICEF) and civil society partnerships with NGOs for OCSEA work, such as trainings and awareness raising (RA1-NA-02-A, RA1-NA-06-A).

An innovative online reporting portal for child sexual abuse materials was launched in Namibia in June 2017. The Internet Watch Foundation Namibian Reporting Portal is supported by the Ministry of Information and Communication Technology of the Republic of Namibia, UNICEF and Lifeline/ChildLine Namibia.<sup>7</sup> Without noting exact amounts, it was shared that *“UNICEF puts funds towards research, data collection, training of children to protect themselves online”* (RA1-NA-04-A, Deputy Minister, Ministry of ICT).

## Capacity

Whilst there are some personnel in place to begin to meet the challenges of OCSEA, the number of personnel, and the general level of knowledge and skill needed is inadequate in meeting the current demands.

As one respondent remarked *“Financial resources are obviously a constraint, but our biggest constraint is really human capital”* (RA1-NA-01-A, Head of Committees, Parliament/National Assembly).

Another participant stated, *“We cannot counter something if we do not have sufficient skills”* (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

Finally, one respondent remarked: *“You will be surprised that there are several policemen and women who are being trained to deal with these cases. Maybe not to the extent of being an expert but enough for them to do something. I don’t think they are adequately staffed for that specific purpose, but for those that have been trained, I am confident that they can at least handle what we have now”* (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice). These individuals can act as the first step in the process of

<sup>6</sup> 100,000,000 NAD is approximately USD 6,600,000.

<sup>7</sup> Internet Watch Foundation. (2017). [Namibia Launches IWF Reporting Portal for Online Images and Videos of Child Sexual Abuse](#).

increasing expertise in working OCSEA cases, hopefully with increased financial support provided in tandem.

This leads to the challenge of a lack of advanced and contextually specific training being available to all those who need and want it. Service providers, such as social workers, are in need of training, but funding is a problem. One respondent stated, *“There has been very little training for the psychosocial response team, and that is what we need.”* The same respondent also noted that, even if funding were available, training on OCSEA would be subsumed within training on child protection generally under the Child Care and Protection Act (CCPA) (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

The amount of training focused on OCSEA would be small compared to more commonly found manifestations of child abuse and the manifestations that are currently most likely to be dealt with by professionals. It was highlighted by one respondent that, what was needed was a basic training on OCSEA, something the attendees could take home with them to their various office locations, supplemented by advanced trainings where needed (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

A respondent also noted the need for specific training for police on OCSEA (RA1-NA-08-A, Senior Social Worker, Ministry of Health and Social Services). While there were examples shared of atypical international assistance with training activities, such as the US sending three prosecutors and four police officers to a police training centre in New Mexico, these tended to be one-off, and did not include support to integrate new ideas into systems. Respondents uniformly supported additional trainings at scale for police, believing it to be a necessary positive step.

While it was believed that some of the police, particularly those who had attended the limited trainings available, were competent, not all were conversant with the technical aspects of OCSEA (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security).

It was also noted that training needs to be contextually specific and applicable in Namibia: *“If someone international is brought in (to conduct training), one must make sure that a local facilitator is also there, or it will be counterproductive as the international person may speak from their country perspective”* (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

Additionally, the lack of sufficient hardware and technical support were seen as something that impedes the functioning of the criminal response to OCSEA. As one respondent summarised the situation, *“we need a sufficient allocation of resources, including advanced technology infrastructure and human resources”* (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security). Others also noted the technology challenges the police specifically may face (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

Even if training has occurred and infrastructure is present, turnover was noted as a further key barrier to good OCSEA responses. Specifically, life skills teachers, (RA1-NA-02-A, Deputy Commissioner, Ministry of Safety and Security) police and social workers (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady) were mentioned, as was the training of OCSEA-related professionals generally.

As one respondent observed: *“Personnel keep changing in these organisations we train. Some trained staff have now left and are no longer in service, so you constantly need to continue training. Even if you have dedicated staff and units you must keep training them”* (RA1-NA-07-A, Online Child Protection Expert, UNICEF).

Turnover was not unique to professionals who work with OCSEA issues and cases, but also occurs for many professionals who work on cases with abused/exploited children generally. The coping mechanisms of desensitisation and of adopting a clinical or even cold persona to deal with the stress had been observed by respondents, as had burnout.

As a respondent stated: *“we are not taking care of those dealing with these cases, that is why we have a high staff turnover...we need to pay attention, to keep people that are experienced in the field and to keep them in (good) mental shape. You will not have such a high staff turnover if you really take care of your human capital”* (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady). It should be noted that high turnover within all aspects of tech-based government workers, migrating to the higher pay of the private sector, is currently a universal reality.

## Campaigns

It was stressed repeatedly that OCSEA is part of the larger picture of child protection at a universal level (RA1-NA-05-A, RA1-NA-06-A, RA1-NA-07-A).

As one person stated, *“You can’t separate the two (OCSEA and offline crimes against children)”* (RA1-NA-07-A, Online Child Protection Expert, UNICEF).

While not exclusively targeting OCSEA, the Safer Internet Day projects in Namibia are a mix of prevention and response. They follow the model of the WePROTECT Global Alliance National Response, which addresses child online safety on the level of policy and governance, criminal justice, victim support, societal and industry engagement, and media. Safer Internet Day<sup>8</sup> strives to strengthen children’s risk management skills when using the Internet. At the same time, it stresses the necessity of engaging parents, caretakers and teachers in addressing child online safety, since they are critical stakeholders in guiding children on how to stay safe in the online environment. While originally celebrated only in Windhoek, in February 2020 it was expanded to reach Keetmanshoop, in the Karas region of the country. September’s African Child Day and Namibian Child Day were also noted as opportunities to discuss OCSEA (RA1-NA-04-A, RA1-NA-06-A).

<sup>8</sup> Namibia - Safer Internet Day. See [www.saferinternetday.org/in-your-country/namibia](http://www.saferinternetday.org/in-your-country/namibia)

The 'Be Free' initiative,<sup>9</sup> again not exclusively targeting OCSEA concerns, was started by the Office of the First Lady in collaboration with the United Nations, to tackle gender-based violence and teen issues. It attempts to stimulate discussions among parents, media practitioners and social media influencers, as a way for youth to express their concerns.

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<sup>9</sup> The Namibian. (2016). [Be Free With The First Lady of Namibia](#).



## Policies and Laws

### Assessment

When it comes to policy on OCSEA specifically, it was stated that, currently, *“there is none”* (RA1-NA-04-A, Deputy Minister, Ministry of ICT). This must be put in the context of a burgeoning and dynamic time in terms of Namibian legislative development concerning the digital world, as well as the very common mindset amongst key stakeholders that OCSEA is a subset of all child abuse and exploitation. There are existing laws that may be used in OCSEA prosecutions, such as the Child Care and Protection Act, section 234 dealing with child pornography. Further, the Criminal Procedure Act is seen as applicable to OCSEA prosecutions that involve vulnerable witnesses or child-friendly courts (RA1-NA-04-A, RA1-NA-06-A). Two respondents mentioned the Combating of Rape Act (RA1-NA-08-A and RA1-NA-09-A) and one the Prevention of Organised Crime Act (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice). However, the pending Cybercrime Bill is seen as key to improving the legal response to OCSEA (RA1-NA-04-A, Deputy Minister, Ministry of ICT).

Two new pieces of legislation, the Electronic Transaction Act and the Cybercrime Bill, are at the centre of the most recent attempts to prevent and respond to OCSEA. These two pieces of legislation began as one, the Electronic Transactions and Cybercrime Bill. However, that bill was then split into two separate pieces of legislation. The reason given for the split (electronic transactions on the one side and cybercrime on the other) was that they required different amounts of time for consultation and finalisation of drafting (RA1-NA-04-A, RA1-NA-05-A). Consultation is required to ensure the legislation will not be outdated in a few years. In addition, there is a need to consult with many key stakeholders, to assess trends and anticipated changes or evolution in online crimes (RA1-NA-04-A, Deputy Minister, Ministry of ICT). It was also believed that a combined piece of legislation would be too long and unwieldy (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

During the interviews, knowledge of the exact status of legislation varied markedly. One respondent referred to the old, single bill (RA1-NA-01-A, Head of Committees, Parliament/National Assembly).

Three participants noted that there were now two pieces of pending legislation (RA1-NA-03-A, RA1-NA-05-A, RA1-NA-06-A), with the Cybercrime legislation specifically targeting OCSEA.

It was noted that the Cybercrime Bill has been sent back for input from the Legal Assistance Centre to amend the bill to better reflect missing concepts (e.g., grooming), and it was hoped that the bill would become legislation within 2020 (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

Another respondent mentioned the key role of the Ministry of Information in drafting to ensure gaps in existing legislation are filled (RA1-NA-01-A, Head of Committees, Parliament/National Assembly).

One only mentioned the Cybercrime Bill (RA1-NA-08-A, Senior Social Worker, Ministry of Health and Social Services).

Two respondents were aware that the Electronic Transaction Act was passed late last year (RA1-NA-04-A and RA1-NA-07-A). The date given for the Electronic Transaction Bill becoming an Act was 29 November, 2019 and the enforcement of the new Act began 16 March 2020 (RA1-NA-04-A, Deputy Minister, Ministry of ICT). The new legislation is entitled Electronic Transactions Act 4 of 2019.<sup>10</sup> Varying knowledge of the status of legislation may be due to different ministries and professions having contrasting day-to-day need for such knowledge.

The need for the Cybercrime Bill to be enacted as soon as possible was stressed repeatedly (RA1-NA-01-A and RA1-NA-03-A).

As one respondent stated, *“I think the Ministry of Safety and Security are doing what they can, but we do not have a law. For any law enforcement agency, you need the law that guides you on that issue”* (RA1-NA-01-A, Head of Committees, Parliament/National Assembly).

It was specifically referenced that, with cases involving online sexual abuse and exploitation, most of the time there isn’t sufficient knowledge to enable proper evidence gathering (RA1-NA-01-A, Head of Committees, Parliament/National Assembly).

However, until the new bill is passed OCSEA may still be prosecuted. The Child Care and Protection Act<sup>11</sup> was cited as one possible option (RA1-NA-08-A, Senior Social Worker, Ministry of Health and Social Services) as was the Combating of Rape Act 8 of 2000 (RA1-NA-08-A, Senior Social Worker, Ministry of Health and Social Services). However, while the Child Care and Protection Act, as well as the Communications Act<sup>12</sup> and the Publications Act<sup>13</sup> were all cited as possible means to prosecute some aspects of OCSEA, they all lacked key definitions, thereby making prosecution difficult.

*“OCSEA cases needs to be properly defined”* (RA1-NA-07-A, Online Child Protection Expert, UNICEF).

It was also stressed that children were consulted in the drafting of the laws on OCSEA and other online crimes that they might be targeted for (such as online bullying). This included working with children’s parliament, junior town councils and NGOs that work with children.

*“It was a real effort to bring the child’s voice to laws that affect them”* (RA1-NA-04-A, Deputy Minister, Ministry of ICT).

<sup>10</sup> Republic of Namibia. (2019). [Electronic Transactions Act 4 of 2019](#).

<sup>11</sup> Republic of Namibia. (2015). [The Child Care and Protection Act No. 3 of 2015 \(as amended in 2018\)](#)

<sup>12</sup> Communications Regulatory Authority of Namibia. (2018). [Notice of Intention to Prescribe a Broadcasting Code \(General Notice No. 192\)](#)

<sup>13</sup> Republic of Namibia. (1974). [The Publications Act No. 42 of 1974 \(as amended in 1998\)](#).



Whilst there is no one national database for images of OCSEA (RA1-NA-06-A, RA1-NA-07-A), there is one currently under construction (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security). The Namibian police is signed up to the International Child Sexual Exploitation database (RA1-NA-07-A, Online Child Protection Expert, UNICEF). The lack of a single national database was noted as something that needs to be addressed, and once in place linked to the ICSE database managed by INTERPOL (RA1-NA-07-A, Online Child Protection Expert, UNICEF).

### Challenges and limitations

The simple lack of understanding of cybercrime, as well as its evolving nature, were noted as challenges at both the legislative and real-world implementation levels (RA1-NA-03-A, RA1-NA-07-A, RA1-NA-08-A and RA1-NA-10-A).

Beyond having laws in place, the lack of the necessary knowledge of how to handle a case, especially those that have an international element, was seen as a difficulty (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

The law may also not be implemented at a local level, due to lack of resources, such as trained personnel or hardware. *“You might find that the law is making provision for certain issues, yet on community level that is not addressed. It is not necessarily because people do not take it seriously, it is because of a lack of resources that it is not available”* (RA1-NA-01-A, Parliament/ National Assembly, Head of Committees).

Further, as noted previously, the ability to gather evidence in a manner that leads to admissible evidence in a criminal case is seen as a huge hurdle. As one respondent succinctly stated, *“you cannot investigate something you do not understand”* (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice).

Additionally, the lack of coordination between service providers was seen as a problem, with children seeking help being sent *“from pillar to post”* (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

The need for coordination of implementation of legislation was seen as another challenge. The need for collaboration between NGOs, civil society organisations, and the government was noted as highly important. Coordination is *“completely underrated and one of the contributing factors to the challenges and struggles to successfully implement legislation and policies”* (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice).

In terms of addressing OCSEA in the education system, a senior figure from within the educational system noted that teachers have serious trepidation about becoming involved in the criminal justice system, particularly the potential need to testify (RA1-NA-02-A, Deputy Commissioner, Ministry of Safety and Security) This reflects a larger, legitimate fear often voiced by educators, that teachers fear not only becoming involved in the criminal justice system, something well outside their comfort zone of expected familiarity, but also the fear of reprisal for reporting child abuse and exploitation generally. The role of

the Life Skills teacher was highlighted as critical, as this is the focal point of OCSEA information being passed to students. Students need to trust this teacher and feel confident that they know about relevant issues (particularly, knowledge about platforms such as WhatsApp, Instagram and Snapchat were noted) and are willing to help.

Unauthorised sharing of self-generated sexual images was noted by one respondent with an education focused responsibility as a prevalent form of OCSEA currently, with these images *“going viral”* (RA1-NA-02-A, Deputy Executive Director, Ministry of Education).

Another limitation regarding the effectiveness of policy and legislation was the lack of capacity building for those charged with working with these guidance documents. There is simply a lack of training on the key pieces of legislation.

As one respondent noted, *“I am expected to render a service but am not trained to understand. It should be simplified for the service providers, we should be educated or trained on these Acts for the day-to-day execution of our duties. We should know which part of the provision we can make use of”* (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security).

Another observed that a key challenge is not knowing exactly what OCSEA is and how to investigate it. *“If we look at normal child abuses cases e.g. a child who has been sexually abused, as a social worker I know my role, the police know their role, any other NGO knows their role. With OCSEA it is difficult to know what your role is and what the jurisdiction is. Where it starts and where it ends. I emphasise a lot of training is needed”* (RA1-NA-08-A, Senior Social Worker, Ministry of Health and Social Services). It is also important that such training should be rolled out uniformly across the country and not simply concentrated in the capital and other urban areas.

Finally, a lack of state-of-the-art technological infrastructure was noted as impeding institutional capacity (RA1-NA-06-A, RA1-NA-09-A). As was stated, *“it’s good that we have a lab and in the future it will be fully equipped and will assist in having the cases prosecuted”* (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security).

### Future Developments

As stated above, the Electronic Transactions Act has only recently come into existence and is currently being put into use. However, as the effectiveness of a new piece of legislation cannot be properly understood for months if not years, as old cases continue to be processed under the laws in place at the time of the commission of the act, it will take time to determine if this Act is having the anticipated positive effect. The Cybercrime Bill, still in consultation, will be more focused on OCSEA than the Electronic Transactions Act, but until it is passed and implemented, it continues to be a talking point and not an intervention.

As one respondent added *“the fact that we don’t have a comprehensive law to address OCSEA is a hindrance for courts on how to prosecute such cases”* (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

At a practical level, the COVID19 pandemic has stalled so many projects and diverted so much attention, that it is understandable that the Cybercrime Bill may have been another casualty of the pandemic, in terms of having prioritised backing. A renewed effort may be needed to recapture some of the momentum that was moving the bill along pre-Covid. Until then, OCSEA will continue to be addressed by the host of other laws mentioned above. However, the fact that the need for a new piece of legislation is agreed upon by all shows that the existing legislative response is not optimal. It should be noted that the Child Care and Protection Act itself is relatively new (2015), and its impact, or lack thereof, on OCSEA is not yet fully understood. One participant stated that a new study on violence against children that has not yet been finalised is hoped to provide valuable insight in how to address OCSEA in the future (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

## Law Enforcement

As seen above, the lack of legislation was referenced repeatedly in regard to the broader response to cybercrime. It should be noted that in the division of the Electronic Transactions Act from the Cybercrime Bill, the majority of OCSEA cases would be handled under the Cybercrime Bill. It must be stressed, however, that a piece of legislation is only as good as its drafting and implementation. Placing too much hope and reliance on one act or bill may be counterproductive, as legislation is more of a starting point for responding to OCSEA rather than a panacea in fully addressing it.

The Electronic Transactions Act makes provision for the “take-down” of OCSEA. However, the language used in the legislation does not make clear whether the take down measure is mandatory or voluntary. Such discretion or lack of clarity should be eliminated and the status of the take down made clear as mandatory.

For take-down one must *“have a complaint in writing and detail the complaint, e.g. coming across OCSEA material on the Internet, put it in writing, and detail the complaint. I then request it be taken down. This is forwarded to law enforcement’s GBV Unit and Cybercrime Unit who will pass instruction to the Internet service provider to perform the take town”* (RA1-NA-07-A, Online Child Protection Expert, UNICEF).

It must be noted that immediate take-down is not always the strategy employed by police, as often the website will be taken over and run by law enforcement so as to get as much information as possible about who is visiting the site, uploading to the site, profiting from the site, etc. However, no particular dates are given for responding in a timely manner to such requests, though timelines for responding to objections once the take down has occurred are given.<sup>14</sup>

The need for pro-active rather than reactive investigations was stated (RA1-NA-02-A, RA1-NA-06-A). It is hoped that the new Cybercrime Unit may be able to assist with this. The presence of inter-agency/multi-disciplinary teams within the GBV and child abuse units of NAMPOL was also noted (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare). However, even within these specialised units, monitoring and evaluation of OCSEA cases is difficult as they are generally categorised as rape or child abuse (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

NAMPOL’s newly established cybercrime unit was remarked upon, as was the office of the prosecutor general having a dedicated team that deals with this issue, specifically with sexual violence committed against children (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice).

<sup>14</sup> Republic of Namibia. (2019). [Electronic Transactions Act 4 of 2019](#). Section 54(3) & (6).

One respondent summarised the system as follows: *“Within the police there are two units that are basically responsible for investigating OCSEA cases. The GBV unit is a dedicated unit that comprises investigating officers, as well as social workers who are responsible for the risk assessment and provide psychosocial support and counselling services. The GBV unit works with the Cybercrime Unit, which has the mandate for investigating computer-based crimes, and the Cybercrime Unit also works with National Forensic Institute. When the Cybercrime Unit finds evidence in child sexual abuse cases, they forward the evidence to the National Forensic Institute for the purpose of investigation. It is analysed and then sent back to the police. These three (agencies) work very closely with one another. First the case is reported to the GBV Unit, their officers are trained so they will conduct investigations. After that, colleagues from Cybercrime will do more technical investigations and report back to the GBV unit, who will be in charge of conducting any further investigation. Once the investigation is complete, the docket will be forwarded to the office of the Prosecutor General who will assess evidence and provide further guidance to the police and start the prosecution process”* (RA1-NA-07-A, Online Child Protection Expert, UNICEF).

Assessing the success of this new unit is difficult at present, as *“we cannot talk about successful prosecution, because we never had a trial yet”* (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security).

Another respondent also noted the lack of successful prosecutions (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare). However, the fact that the unit is working in a multidisciplinary structure bodes well for its success. Funding for cutting edge equipment as well as training and retention of key personnel will remain an ongoing challenge, but one not unique to Namibia.

## Successes

There were notable successes in the battle against OCSEA. First, the recent steps towards some new legislation to better address electronic crimes. However, while this Act may address some aspects of OCSEA, such as distribution of images, existing legislation is not seen as comprehensive (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare). This dovetails into the equally important pending legislation, the Cybercrime Bill, which is envisioned to address gaps in the Child Care and Protection Act. This was needed as the Child Care and Protection Act doesn't cover OCSEA specifically. While it was hoped that the Bill would become law in 2020, it is still in consultation, and it now awaits finalisation in 2021.

Second, the National Task Force National Child Online Protection Task Force was seen as a major advancement in both raising the profile of and coordinating the response to addressing OCSEA from a multi-agency perspective. Specifically, one respondent believed *that “having everybody together sitting and planning interventions and co-ordinating is the major success and shows dedication and that everyone understands their role and also shows they understand their contribution and see their value in contribution”* (RA1-NA-07-A, Online Child Protection Expert, UNICEF).

The fact that there is now a place to report these OCSEA crimes (through the Office of the First Lady, as part of the Task Force's work) was noted (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

Third, the new Cybercrime Unit within NAMPOL was judged a step in the right direction. While it is mandated to deal with all computer-based investigations, OCSEA clearly falls within its sphere. It is hoped that the response to OCSEA provided between this specialised unit, the gender-based violence unit and the high-profile investigations unit, will be coordinated and not duplicative or competitive. The new cybercrime unit reflects the recent focus on cybercrime generally, not simply OCSEA, and as it works with other specialised units to better facilitate working with the child victims, it is well positioned to be of great value in addressing OCSEA.

Fourth, new research may be helpful in offering additional information with which to make policy and practice decisions as well as plan effective interventions targeting children, including those in the rural areas. The Ministry of Gender has conducted a survey on Violence Against Children, where young adults retrospectively discuss what happened to them as children. The survey also included questions about OCSEA within its broader range of enquiry. Whilst it is not yet finalised and its findings are not yet public (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare), one respondent described it as *“very rich in data”* (RA1-NA-02-A, Deputy Executive Director, Ministry of Education).

The Namibia University of Science and Technology (NUST) also conducted an exploratory study specifically on OCSEA and found that a very high percentage of children have access to cell phones and Internet, even in the smaller towns.<sup>15</sup> The findings from that study were encapsulated by one participant as *“a big portion of our children have that (Internet) access and it is already a risk. The outcome (of the study) is that our children are facing high risks”* (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security).

A qualitative study led by UNICEF on online grooming in Namibia has been finalised but not published (RA1-NA-07-A, Online Child Protection Expert, UNICEF).<sup>16</sup>

Research also allowed for *“interventions that are informed, and research/evidence based. This research and evidence allow us to lobby and advocate for policy and law”* (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

It was further suggested that better research in the future could disaggregate information and data in terms of gender and age, to assist in picking up online trends (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

However, one respondent urged caution: *“I don’t think we have anything to proud of yet. Once we have our legislative framework in place and we have our cybercrime unit up and running and we know what we are talking about, to identify to recognise OCSEA, and to deal with it, then we can start counting our success. Our greatest success so far is that we have acknowledged that it (OCSEA) exists”* (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice).

<sup>15</sup> UNICEF. (2016). [Exploratory research study on knowledge, attitudes and practices of ICT use and online safety risks by children in Namibia.](#)

<sup>16</sup> Patrick Burton. The Nature and Dynamics of Grooming in Namibia. UNICEF Namibia (forthcoming).



## Challenges

First and foremost, is the lack of a comprehensive piece of legislation.

*“We must have a law that speaks to the crime”* (RA1-NA-01-A, Head of Committees, Parliament/National Assembly).

*“The fact that we don’t have a comprehensive law to address OCSEA is a hindrance for courts on how to prosecute such cases”* (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

*“Perpetrators are basically more prepared than our system. We need comprehensive legislation”* (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

*“The laws are so scattered”* (RA1-NA-10-A, Former Deputy Minister of the Ministry of Gender, National Assembly).

However, while definitely a necessity, placing so much reliance on one element needed to fight OCSEA may be misplaced. As one respondent stated: *“a law gives the service provider a better grip on the issue. The current law does not tell police for example how to handle the issue”* (RA1-NA-01-A, Head of Committees, Parliament/National Assembly). However, legislation does not normally provide the type of practical, hands-on instruction that is being referenced. Instead, that comes from both training and experience. Legislation may be better seen as a huge step toward reflecting a policy of protecting children online and not as a complete cure for the problem.

Another challenge exists in regard to awareness raising and understanding of how OCSEA works. As one respondent neatly summed up the problem: *“the complexity in itself is a major challenge, and it is extremely complex”* (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice). As noted above, this remains a major obstacle. Additionally, the lack of coordination between service providers was seen as a problem, with children seeking help being sent *“from pillar to post”*, encapsulating their experience (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

Funding and resources were another issue. In addressing OCSEA, it was stated by one respondent that *“more resources need to be allocated. Financial resources are obviously a constraint”* (RA1-NA-01-A, Head of Committees, Parliament/National Assembly).

This point was mirrored by almost all respondents. However, the detail of what needed funding was somewhat vaguely stated. A clear exception, though, was the stated need for funding to train all those



that have to work on this issue. This was seen as vital and just a huge gap in practical sense. Things like good legislation on OCSEA alone will just not make the difference.

*“We need funding to train”* (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

Implementation of outreach and support activities was also hit by funding. *“The task force and the key stakeholders cannot implement activities [created to address OCSEA] without funding”* (RA1-NA-07-A, Online Child Protection Expert, UNICEF).

The funding provided by UNICEF and other donors as well as civil society for education and trainings was noted (RA1-NA-06-A, RA1-NA-08-A, RA1-NA-09-A).

Another resource noted was human capital: *“not having enough social workers, psychologists or peer supporters to help [children] through a crisis [regarding OCSEA] is one of our biggest issues”* (RA1-NA-01-A, RA1-NA-03-A).

Finally, the lack of funding impacting on purchasing and maintaining technical equipment in some areas was mentioned (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady), though this was commended in others like the police unit on cybercrime and relevant forensic equipment.

Aside from pure monetary issues, human capital was also noted: *“(the) biggest constraint is really human capital, not having people to support that child...”* (RA1-NA-01-A, Head of Committees, Parliament/National Assembly)

The lack of specialised personnel (RA1-NA-05-A, RA1-NA-10-A) and the need for psycho-social support personnel who are trained to help the child victims of abuse, including OCSEA victims were also highlighted (RA1-NA-03-A, Director of Child Welfare - Oversees Child Protection, Ministry of Gender – Directorate of Child Welfare).

*“We have so few human resources – it is one of our problems”* (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security).

*“Our service providers need the equipment, the technology, they need the know-how”* (RA1-NA-05-A, National Child Online Task Team Member, Office of the First Lady).

Limited human resources also took on a regional component, when it was noted that what limited capacity building there is has been focused on Windhoek, and not the country as a whole (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security). Amongst those that are doing this work, burnout and high turnover were also observed.

In general, practical implementation of many needed actions were seen as a challenge. *“Namibia is a country that has a lot of rich policy documents, programmatic documents, but our implementation is lagging behind”* (RA1-NA-02-A, Deputy Executive Director, Ministry of Education).

Within the education sector, the need to train each and every teacher and make sure they will be capable of passing on that knowledge to students, and not be too embarrassed to have frank, informed discussions with students was specifically mentioned.

*“The teachers do get training, but often do not feel comfortable talking about these topics even if they are trained, they are not imparting the knowledge correctly to the children”* (RA1-NA-02-A, Deputy Executive Director, Ministry of Education).

How children see these crimes and how adults see and respond to them were raised as cultural challenges. The hesitancy of adults, especially teachers and family members, to talk about sex generally and OCSEA specifically is a hurdle, as was the fact children don’t feel comfortable talking with their parents about OCSEA (RA1-NA-02-A, RA1-NA-07-A).

As one respondent shared: *“children may not speak out about it because of the sensitivity of it. They may blame themselves. And also because of the background of our African children, certain things are not spoken about. Children may be questioned about why they did things”* (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security). In other words, victim-blaming, that is unfortunately a universal phenomenon, not at all unique to Namibia in particular or Africa as a whole.

Also noted was the reluctance of parents to report exploitation that happens at the hands of those who are economically supporting the family. As the respondent explained: *“There are many factors that need to be considered. People will easily not say something about the abuse because of the other benefits that go along with it. Parents are afraid if the child should say the uncle did this or that, because the uncle supports the household for example”* (RA1-NA-02-A, Deputy Executive Director, Ministry of Education).

The lack of understanding by adults, especially parents, about what harms may be found on the Internet was mentioned (RA1-NA-09-A, Deputy Executive Director, Ministry of Justice).

As for the victims, one respondent noted the embarrassment that might stop reporting, as well as not understanding or having faith in what steps would follow reporting (RA1-NA-10-A, Former Deputy Minister of the Ministry of Gender, National Assembly).

The diversity of potential offenders was also noted as one respondent believed that *“kids (adolescents) are more harmed by each other (other learners) than by adults”* (RA1-NA-02-A, Deputy Executive Director, Ministry of Education).

Finally, the potential international component of OCSEA was seen as a challenge insofar as investigating, and the need for cooperation and engaging counterparts in other jurisdictions was stressed (RA1-NA-06-A, RA1-NA-07-A).

The importance of “*mutual legal assistance*” agreements was also underscored as critical (RA1-NA-06-A, Deputy Commissioner, Ministry of Safety and Security).