

# Disrupting Harm

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

Detailed Analysis of Access to Justice and Legal Remedies in Namibia  
Interviews with Children and Caregivers

*Last updated 16/06*

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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.

In Namibia, data was collected from six children who had been subjected to OCSEA. Despite deliberate efforts to identify male victims, the study could not secure the participation of male children. The ages of the interviewed children ranged from 15 years to 18 years. In addition to the child victims, five primary caregivers (parents and/or caregivers) of the children were also interviewed. One of the five caregivers was a supportive school teacher and more knowledgeable about OCSEA than most parents could be expected to be. The remainder of the caregivers interviewed were parents – one being a father and the remaining three were mothers.

The OCSEA victims were interviewed alone with the exception of one child who was interviewed in the presence of her caregiver. All the interviewed children and caregivers appeared to be from under-privileged backgrounds.

Discussing their experiences was evidently a very emotional process for the girls. Most of the girls managed to contain their emotions and share their experiences. One child was an exception as she struggled to contain her emotions, and another child faced difficulties expressing herself due to a stammer. The interviewer had to pause the interview to allow the child to calm down and allow sufficient time for the child to express herself for the latter. A number of the concepts and terms had to be defined to the children and the questions approached in different ways to ensure they were understood. In some instances, the interviews switched over to the child’s native language.

No OCSEA cases went through the entire justice process, and the information from the interviews is therefore mainly about OCSEA victims’ and their caregivers’ experiences interacting with police and social workers. Only very limited information could be collected regarding interaction with other criminal justice actors. This also explains the limited size of the interview sample and why the researchers could not identify 10 cases of OCSEA that had been through the formal criminal justice system, as foreseen in the research criteria.

## Knowledge of OCSEA by Parent and Caregivers

The majority of the interviewed caregivers (three out of five) reported having some prior knowledge of online child sexual exploitation and abuse (RA4-NA-01-B; RA4-NA-02-B and RA4-NA-06-B). One of the three, who was also a teacher, was particularly well-informed and shared how they got to know about OCSEA through a public campaign: *“The First Lady had just launched the #BeFree campaign. We had talks with the first lady about cyber bullying and its effect. Therefore, through that campaign, I got to learn about how easy it is to be groomed online”* (RA4-NA-01-B). As a school teacher, this caregiver had the opportunity to participate in the campaign. Other justice actors in the *Frontline Service Provider Survey* for Namibia had also mentioned the #BeFree campaign.<sup>1</sup>

Another caregiver was asked to share their understanding of what OCSEA is and described it as *“when children chat with strangers over the smartphone while the parents do not know anything. By the time the parent realises that their child has been abused online by someone they have been chatting with, it is already too late”* (RA4-NA-06-B).

The remaining two caregivers only became aware of the phenomenon after children under their care were abused (RA4-NA-04-B and RA4-NA-05-B).

The interviews showed that there is some knowledge of the concept of OCSEA among caregivers and that campaigns to educate the public on OCSEA may have contributed at least partially to this, with one guardian making specific reference to a campaign. However, some of the caregivers who had heard of OCSEA did not appear to have a clear conceptualisation of what it is. This suggests that caregivers are not adequately equipped to play a positive role in efforts to prevent OCSEA, support child victims and hold perpetrators accountable. These findings appear to confirm the subjective appraisals of frontline workers of parent’s awareness of OCSEA from the *Frontline Service Provider Survey* conducted by ECPAT in Namibia for *Disrupting Harm*.

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<sup>1</sup> ECPAT International. (Forthcoming Publication). Namibia Disrupting Harm Frontline Workers Survey.

# Access to the justice system and reporting the crime

## Children's decisions on reporting abuse

### The decision to disclose the crime

The interviewed child victims shared how they reached the decision to report to the police.

One OCSEA victim reported that she was struggling to cope with the trauma and was worried about her reputation. She reached the decision to report to the police on her own:

*"I decided to get help when I saw that this situation was getting worse... [...] it was having a bad influence on me. I was afraid it could destroy my reputation in the future. That is why I decided to go and report without anyone telling me"* (RA4-NA-01-A - Child).

Despite making the decision on her own, the child victim had to overcome a lot of fear and anxiety:

*"It was not easy because I felt frightened and scared. My fear was around what would happen after reporting him. He could hurt me or do anything harmful to me. I would fight with my fear inside of me, but then I decided that I should report him, so I can get protection"* (RA4-NA-01-A - Child).

In the remaining five cases, the decision to report the OCSEA abuse was made by a parent. In three instances, the mothers made the decision. There were two exceptions where it was the fathers who made the decision to report (RA4-NA-05-A- Child and RA4-NA-06-A- Child).

Although the decision to report was made by a parent, two of the child victims still felt they had been given an opportunity to weigh in on the decision (RA4-NA-02-A- Child and RA4-NA-05-A- Child). The children who felt they had been consulted reported more positive feelings. One child felt that her caregiver was too angry for her to share any opinion contrary to the decision already made. The child however reported *"even though she was angry, she wanted to get things done and that made me feel very proud"* (RA4-NA-03-A- Child). Another child said, *"I felt like I had no choice"* when asked if she agreed with the decision to report the abuse (RA4-NA-04-A- Child). The child victims largely reported some uneasiness with approaching the police early on, but they gradually accepted the need to engage the police.

In Namibia, the police have dedicated Gender Based Violence One Stop Centres/units that are staffed by a range of officials with specialised knowledge such as investigators and social workers. The Gender Based Violence units are designed to respond to all gender based violence issues including OCSEA. When victims present themselves to the police, the officers are under a duty to refer the child to the Gender Based Violence unit within 24 hours where they will be designated a social worker. Victims with knowledge of this unit can present themselves directly and report.

After a decision to report the OCSEA, three of the five caregivers went to the police and were directed to the Gender Based Violence unit. In the unit, their first interaction was with a social worker, who then referred them to an investigator (RA4-NA-01-B; RA4-NA-04-B and RA4-NA-05-B):

*“Our first interaction was actually with a social worker where she asked us what had transpired. After that, the Gender Based Violence unit social worker referred us to the Police who were also at the same unit. After the interview with the Police, they arranged to set a trap in order to arrest the perpetrator if he had agreed to meet with the young girl in person.” (RA4-NA-01-B);*

*“we just went straight to the social worker where we got help” (RA4-NA-05-B).*

Another caregiver reported going to a police station directly and being assisted by a police officer:

*“I just went there and I told her the whole story of what happened and yeah, that’s when she started helping us (RA4-NA-02-B).*

It was unclear from the response if this caregiver was supported by police officers or a social worker in the Gender Based Violence unit.

Generally, it appears that social workers at the Gender Based Violence unit are the first contact for child victims of OCSEA and their caregivers. In one instance, the caregiver appeared to know that they should approach a social worker in the Gender Based Violence unit to report OCSEA.

When caregivers discovered that the children had been abused, the majority of them reported that they sought to have the police involved in an attempt to secure justice for their children:

*“When I got to know about the case, for me, it was a case where I needed to take action immediately as the young person could have lost her life through this. First thing was reporting the case to the police, getting assistance from social workers at the Gender Based Violence unit. So for me, it was just acting upon it immediately on the day” (RA4-NA-01-B);*

*“I first went to the Gender Based Violence unit, then to the police. A police warrant that referred me to a doctor for medical attention. And then we took the child to a doctor to be examined and we got medication and we had follow-ups just for them to check if she's either pregnant or if she got HIV infected” (RA4-NA-02-B).*

It appears that the caregivers had high levels of confidence in the ability of the police to assist the victims of OCSEA:

*“Going to the police was my first decision because I thought this is the only place where I can get help” (RA4-NA-05-B).*

The interviews suggest that, in most instances, the decision to report is made by the parents with very limited room for the child victim to influence the decision to report OCSEA cases to authorities. In most cases, the children were informed of the decision at a later stage. The caregivers also appeared to have high levels of confidence in the police’s ability to manage the cases.

## Children's feelings about first encounters with the police

All six interviewed OCSEA victims reported generally being uncomfortable during their first interaction with the police. The children were afraid and nervous as they interacted with police officers who were unfamiliar and, in some instances, unfriendly:

*"My experience meeting with the police for the first time was quite frightening because I was afraid that they would also charge me. [...] I was not able to trust any police officer"* (RA4-NA-01-A-Child);

*"I was feeling bad because I was small person getting into a police station. The way the officers were looking at me was not okay"* (RA4-NA-02-A-Child);

*"I was shy, I was not comfortable. I had no confidence to open and talk to them about what happened"* (RA4-NA-04-A-Child);

*"I did not feel comfortable with the police because I did not know them and there was no way I could share my story with people that I did not know. At least if I could have talked to someone that I trust before the police that could have been better"* (RA4-NA-06-A-Child).

However, half of the children reported that with time they became more comfortable in dealing with the police:

*"I was nervous at first, but then yeah, they made it easier for me"* (RA4-NA-03-A-Child);

*"Over time I became comfortable around them"* (RA4-NA-05-A-Child).

Another child was also accompanied by her mother and she pointed to this as one of the factors that allowed her to feel more comfortable:

*"I was with my mom. I knew she was going to protect me"* (RA4-NA-05-A-Child).

The frontline worker interviews<sup>2</sup> also confirmed the presence of reporting platforms for OCSEA in Namibia. However, the discussion above suggests these mechanisms are not well known. There was no mention in any of the interviews with children and caregivers of the free helpline and an online reporting portal, which are both housed by Childline Namibia.

The responses from the interviewed OCSEA victims suggest that there is, at least to a certain extent, a standard practice by which cases, once discovered by the parents or school authorities, are referred to the Gender Based Violence unit. This confirms the findings from a legal review,<sup>3</sup> which noted that the Gender Based Violence unit is the first port of call for reporting sexual abuse and OCSEA and not necessarily the police.

At the Gender Based Violence unit, a social worker is assigned to support the child who accompanies them to the police if a decision to report and pursue prosecution is made. In line with this, when victims of OCSEA arrived at the police station, they were asked if they had received help from the Gender Based Violence unit. In one case, a child had reported to the school principal, whom she

<sup>2</sup> ECPAT International. (Forthcoming Publication). Namibia Disrupting Harm Frontline Workers Survey.

<sup>3</sup> ECPAT International. (Forthcoming Publication). Namibia Disrupting Harm Legal Review.



trusted, and had been taken to the Gender Based Violence unit. Another child reported a similar experience: *“firstly, we had to go to a social worker in the Gender Based Violence unit and explain exactly what happened. And so the social worker advised us to go to the police now to report this case”* (RA4-NA-04-A – Child).

The responses by one child victim suggests that OCSEA victims and caregivers are not clear why the police immediately refer them to the Gender Based Violence unit *“the police did not explain how they were going to support me and my mum nor did they explain the process. Only the social worker did this”* (RA4-NA-03-A – Child). The child victim appears to have assumed the immediate referral to the Gender Based Violence unit without any explanation could have been a sign of disinterest.

In terms of the conversations held during the first interactions with the police, the responses from the children were varied. Half of the children did not recall what was discussed when they first went to the police station (RA4-NA-04-A – Child; RA4-NA-03-A – Child and RA4-NA-06-A – Child).

One child, RA4-NA-01-A – Child, said she was questioned on *“why did you not report the case earlier?”*.

Another child remembered that, during her first interaction with the police, she was asked to retell her OCSEA experience. However, in the middle of narrating her ordeal, the police officer asked her to stop:

*“She asked me to stop as my story was too much for her... [...]... she asked my mother to narrate the rest of my story”* (RA4-NA-02-A – Child).

In yet another case, the police explained to the child that *“as a Namibian kid, you have the right to report anything that's done to you”* (RA4-NA-03-A – Child).

The discussion above confirms a certain degree of uniformity in the practical application of reporting procedures, with the process starting at the Gender Based Violence unit and then proceeding to the police. It also appears to be common practice to interview child victims in the presence of a social worker, although this was not the case for all interview participants.



## Participation in the Justice Process

### Children's feelings about interactions with lawyers and judges

#### **Being informed of rights and processes**

There was an even split between child victims who were informed of the process and those who were not. One child said she was not told by the police how the process would work but they told her: *"if I wanted help, I should give them more details on the guy and his whereabouts"* (RA4-NA-01-A – Child).

One child confirmed the process was explained to her, but she forgot the details (RA4-NA-05-A – Child). In another case, the OCSEA victim was still suffering from cyber-bullying with explicit images that continued to be circulated by the perpetrator at the time of making a report. The police explained they would attempt to *"block the file, but there would be no prosecution as the crime did not fall under any law"* (RA4-NA-01-A – Child).

None of the caregivers were advised of their rights, nor provided with an explanation of the process that would follow. One caregiver, RA4-NA-01-B, was provided with details of a raid to arrest the perpetrator while another caregiver was only given words of encouragement:

*"I told them the situation and all they did was to give us some words of encouragement that they were going to handle the case appropriately"* (RA4-NA-06-B).

In another case, the police did not explain their rights but *"they mostly talked about the fact that this form of abuse (OCSEA) is happening around the world and that we could report anything like that if it happens again next time"* (RA4-NA-05-B).

The failure by the police to explain the rights of child victims and caregivers, or to provide any information about the justice process, left the majority of the caregivers with negative feelings. One caregiver also commented that the lack of information on their rights made him feel *"very bad because, as a father, knowing my daughter's rights could have assisted me in knowing how best to support her. It would have helped me to know my limits in terms of what I could do and say, even in terms of how I treat and discipline my child"* (RA4-NA-06-B).

One caregiver was an exception, feeling indifferent to the fact that the police had not informed them of their rights: *"I didn't feel anything because actually my trust was already in the police. I thought, they would do anything they were supposed to do. So I was not shivering or doubting them, because I thought they will help me the way they are supposed to help me"* (RA4-NA-04-B).

Only two children spoke about the rooms they were interviewed in and they both reported not being provided with an opportunity to select where their interview would be conducted (RA4-NA-02-A – Child and RA4-NA-05-A – Child). Despite not having an opportunity to select the location of the interview, the children largely described the rooms as adequate:

*"The environment was fine"* (RA4-NA-06-A – Child);

*"the room was good, I had no problem"* (RA4-NA-05-A – Child).

Four out of the six children were in the interview rooms alone with one police officer. In two cases, the caregivers were asked to leave the room:

*“My mother and her friend were asked to leave the interview room” (RA4-NA-03-A – Child);*

*“I was at the station with my father but he was not in the room when I spoke to the officer” (RA4-NA-06-A – Child).*

One child was interviewed by three people, two social workers and one police officer (RA4-NA-05-A – Child), while another child did not disclose the number of people who interviewed her (RA4-NA-01-A – Child).

Two children were afforded the opportunity to select the officers to interview them:

*“I was given an opportunity to choose the officer to interview me. Most of them were female, so I just went for a female... [...] I selected a female officer because I felt she would understand me better compared to a male officer” (RA4-NA-04-A – Child).*

The child felt that despite being given an opportunity to select an officer it was not important. However, this child suggested that the ethnic group of an officer could be a factor in her decision. In addition, it also emerged in the interview that the child had a relative in the police force and had fears of confidential information being shared with her relative.

The second child said:

*“I was given the chance to select an officer. I told them I needed a female police officer because I could not speak to a male officer. I could not tell a male officer all the embarrassing details of my story. I was not feeling comfortable opening up to a male police officer about everything that the perpetrator did to me” (RA4-NA-02-A – Child).*

The rest of the OCSEA victims who were assigned officers without being consulted had different opinions. Two children felt although they were not provided with the opportunity, it was not consequential (RA4-NA-03-A – Child and RA4-NA-01-A – Child). One child said:

*“It was a coincidence that a female police officer assisted me [...] it felt good to be assisted by a female officer[...] I felt that she is also a woman and she would understand me better than a male officer. I saw her as a mother, and she did not judge me. She understood what I was going through and she assisted me suitably” (RA4-NA-01-A – Child).*

Two children who did not have an opportunity to select an officer felt they should have been provided an opportunity: *“Yes it would have been important to choose and I would have selected a female officer, who would understand what I am going through” (RA4-NA-05-A – Child and RA4-NA-06-A – Child).*

The analysis above shows that the child victims had different opinions on the right to select an officer to interview them. However, the children largely expressed a preference to be served by a female officer, stating they would be more comfortable narrating their OCSEA experiences to a woman. In addition, when provided with a female officer, the interviewed child victims appeared to report having a more positive experience.

During the interviews, the children were also asked to reflect on the support they received from the police officers and if they could understand what was being said. The majority of the children felt

comfortable and understood what was said *“I understood everything as she was talking in my local language (Oshiwambo)”* (RA4-NA-02-A – Child). Another child reported feeling comfortable, with the police officer being clear and offering her a chance to ask question. The child however felt that the officer was *“kind of lazy, constantly defending herself and discouraging us from opening a case”* (RA4-NA-04-A – Child).

Unfortunately, only one child was offered a chance by the police to ask questions (RA4-NA-03-A – Child).

None of the six interviewed OCSEA victims had access to a lawyer. The children were also generally unaware of the role a lawyer could have played to support them in taking their cases forward. The limited appreciation of the role of a lawyer led to most of the child victims stating that they did not think they needed a lawyer. When the role of a lawyer was explained to them, half of the child victims changed their opinion and reported that the services of a lawyer would have been beneficial:

*“I was really feeling insecure about me going to the court and getting to see the perpetrator. That is why I decided that I’m not going to court. I didn’t want to meet him face to face so I preferred the case to end at the police station behind closed doors [...] If a lawyer had been made available it would have made me feel better and not fear facing my abuser [...] At that time, I felt like I didn’t stand a chance against him because the guy had money, so he would even get a top lawyer and I would just feel like nothing”* (RA4-NA-01-A- Child).

The other half had different views, and even after the explanation one child said she remained *“unsure if I would have accepted the services of a lawyer”* (RA4-NA-06-A- Child) and another said *“I did not need a lawyer as I could stand-up for myself”* (RA4-NA-02-A- Child).

The child victims who, after receiving an explanation, thought they could have benefitted from the services of a lawyer felt disappointed for not having access to one. One child victim noted that it is important for the government to make available the services of a lawyer and to meet the costs. On the type of preferred lawyers, little was said on gender, but one child stated her preference to have *“a lawyer that is from a different ethnic group”* (RA4-NA-04-A- Child). The interview was unable to establish why the child had a preference to interact with officials from a particular ethnic group.

None of the six OCSEA cases made it to court. In three of these cases, the justification provided was that *“there was no case made”* (RA4-NA-03-A- Child) and *“they did not even open a case”* (RA4-NA-04-A- Child). In another case, the child stated that it was her *“personal choice for the case not to proceed to court”* (RA4-NA-01-A- Child), and in yet another case, the family pursued other means outside the judicial system: *“my mom told the police officer that we were going to hold a meeting with the family of the perpetrator [...] This was very difficult for me”* (RA4-NA-02-A- Child). Although not stated in the interview the child’s response suggests she would have preferred formal justice process.

One OCSEA victim reported that the police had provided some reasons why her case could not proceed:

*“The police told me that I surprised them by not making an effort for my case and because of this they said they were not able to help me get a sentence for the man to go to prison [...] They said he was running around freely and has done the same to two other young girls [...]*

*They advised me to take the case to court by myself [...] All I wanted was to open a case against him and get a protection order but in the end I could not even get the protection order” (RA4-NA-01-A- Child).*

The victim also explained that she failed to get a protection order because of a change in the officer attending to her midway through the process. It is unclear why the change of an officer made it difficult for the case to proceed.

Two out of the five caregivers spoke about lawyers. The first was unaware if the child victim had been provided with a lawyer (RA4-NA-01-B). The second stated that they were not provided with a lawyer and could not engage one privately: *“we did not have any money to pay the lawyer. There was nobody trying to help us, so the lawyer part was not mentioned at all”* (RA4-NA-04-B).

The interviews did not cover issues such as the experience of OCSEA in courts, interactions with judges and other actors as the cases did not proceed to court. Caregivers were asked if they believed justice was done, and all felt there was no justice. The inability to proceed to court and to see the abusers behind bars was not taken well. A common complaint among caregivers was that the police would stop providing feedback:

*“I left the police station, and until today the police have never tried to call my daughter or myself to give us any feedback on their investigations. The case has since gone quiet and cold and they never checked on how my daughter is coping”* (RA4-NA-04-B).

One caregiver confessed that although they initially engaged the police, they made a decision not to pursue the case but instead negotiated with the family of the perpetrator:

*“At first, we went to the police, but by the time the medical examination was done the relatives of the man who abused our child had come and apologised. We decided we did not want to open the case anymore.”* (RA4-NA-02-B).

The discussions with the caregivers and children confirm the findings from the legal review.<sup>4</sup> Namibia has no law that can be used to prosecute OCSEA cases. This explains why none of the interviewed child victims had their cases proceed to court. It could also explain the behaviour of the police, which discouraged caregivers and child victims from opening cases and became non-responsive when the families were persistent. This was also why the researchers could not identify 10 cases of OCSEA that had been to court, as foreseen in the research criteria. It also appears that none of the child victims or caregivers were provided with an explanation of why they failed to get justice.

### Hardest part of talking with criminal justice actors for children

One of the most cited sources of hardship by almost all the interviewed children was the fact that they had to repeatedly narrate their ordeal to different people, starting with the person that helped them make the decision to go to the police, telling the social worker and having to re-narrate their ordeal to the police officer.

*“It was hard to explain what had happened in detail”* (RA4-NA-05-B);

<sup>4</sup> ECPAT, Namibia Disrupting Harm Legal Review

*“Although I was comfortable with the police, I was embarrassed to retell my story” (RA4-NA-02-B);*

*“The hardest thing for me was telling the police officer in detail what had happened to me. All the disgusting things that he did to me. It was hard for me to say through my mouth because I would feel shy, I would feel ashamed and I would feel disgusted. I would ask for breaks to cry and then continue. It was not easy” (RA4-NA-01-B).*

One victim of OCSEA encountered some discomfort due to the conduct of the police officer: *“the police officer kept insisting that I remember all the exact details, or I would be arrested” (RA4-NA-03-B).*

One child reported some challenges with language and another reported that the ethnic group of a social worker or a lawyer would be an issue.

Despite stating a number of negative experiences, the child victims generally reported that they felt supported by the police:

*“Yes, she definitely supported me, because she stood next to me all the time and comforted me. She would also stop me from crying and would advise me accordingly. She talked to me like a mother” (RA4-NA-01-B and RA4-NA-03-B);*

*“I felt good and supported” (RA4-NA-05-B).*

Two child victims however reported a negative experience. The first said *“the officer told me that I must avoid spending a lot of time online as it was a bad influence [...] I generally felt like she was on the side of my abuser” (RA4-NA-02-B)* and another child said *“I felt like I was supposed to open a case and then something has to be done to the people that did that to me. But then nothing happened” (RA4-NA-04-B).* The OCSEA victim also hoped that some of the explicit material depicting her could be recovered from the perpetrator and not continue to circulate online. However, this was not possible and all the child could do was change her contact details in an attempt to disassociate herself from the perpetrator and the explicit material.

Children’s feelings about what was done by different criminal justice professionals to make the process **easier** for them and to help them participate in the process

When asked to identify any acts by the police that made their experience better, the children could not mention anything specific, but they all confirmed feeling comfortable. The child victims had a number of recommendations on how the police could serve OCSEA victims better:

*“They must avoid shaming or judging children” (RA4-NA-01-A);*

*“Officials must take time to listen to child victims and to consult them on the action to take” (RA4-NA-02-A and RA4-NA-05-A);*

*“remained unsure if she would have accepted the services of a lawyer” (RA4-NA-02-A and RA4-NA-05-A).*

The child victims also raised the need for the cases to move quickly instead of asking victims to make numerous visits to the station. In addition, they must *“prosecute and avoid abandoning cases like they*



*did with mine*" (RA4-NA-01-A); *"They should arrest perpetrators"* (RA4-NA-02-A) and avoid *"acting like they are on the side of the perpetrator"* (RA4-NA-05-A).

There were also recommendations for the police to ensure they would have a single officer following up on a case until it is concluded instead of changing the officer midway. Child victims also called for greater respect of their privacy and a greater respect for their opinions and wishes.

Confidence in the police remained high among the child victims despite the shortcomings they identified;

*"Yes, I would report again, it is a way of getting helped and to stop men abusing women"* (RA4-NA-06-A and RA4-NA-02-A);

*"Yes, I would report again, I think they are really good at their job. They know how to help people"* (RA4-NA-03-A).

However, one child confirmed she would report in future but only as there were no alternatives: *"keeping a problem to yourself and not getting help might affect you. You might also be in danger and you can be harmed further or even be killed. The police can take immediate action and solve the problem before it becomes like big"* (RA4-NA-01-A).

The only exception was one OCSEA victim who said *"I do not think I will make another report in future, because if I go back there again, I won't get help at all"* (RA4-NA-04-A).

The experiences recounted confirm that it remains hard for victims to seek and access justice due to factors such as stigma, shame, fear and victim blaming. It is evident that child victims require external support to reach a decision to report OCSEA. After encouragement, the majority of children became comfortable to report to the police. This suggests the attitudes of caregivers and community can be both a catalyst or impediment to efforts to tackle OCSEA. As discussed above it appears that most of the victims were encouraged by the police to drop the cases because there was no law they could use to prosecute. One victim was told, *"there would be no prosecution as the crime did not fall under any law"* (RA4-NA-01-A – Child). Another child was also discouraged, describing the officer as *"kind of lazy, constantly defending herself and discouraging us from opening a case"* (RA4-NA-04-A – Child).

Caregivers and child victims of OCSEA had mixed experiences, suggesting inconsistent adherence to some of the set systems for dealing with OCSEA victims. The interviews confirm that the situation is compounded by the difficulty for professionals to talk about OCSEA in an age-appropriate and child-sensitive way, knowing how to handle OCSEA cases and knowing how to investigate and prosecute them.

### **Caregivers' support for children**

Caregivers generally felt they had been able to support the child victims through their interactions with the police. The OCSEA victims were supported in different ways by caregivers:

*"When the child got back to school, we had a one-on-one session where I counselled the child... [...] I also supported the girl when she was referred to the hospital for a mental health*

*assessment [...] My role was to ensure she was at ease so she could open up. I had to comfort her because the police caused her a lot of anxiety” (RA4-NA-01-B- Caregiver).*

Other caregivers reported supporting the child by:

*“counselling her at home” (RA4-NA-02-B- Caregiver);*

*“telling her about her rights” (RA4-NA-05-B- Caregiver);*

*“I protected my daughter and made sure she was comfortable” (RA4-NA-05-B- Caregiver).*

One caregiver felt the best way they supported the child was by managing their temper:

*“I also feel as a parent I did well by reporting the case to the police and not taking the law into my own hands. I did not do anything to injure my daughter or the guy when I met him at the police station although I was very angry. I talked to everyone peacefully, as for the guy I just told him to stay away from my daughter this is because the police encouraged me to be peaceful” (RA4-NA-06-B- Caregiver).*

At the police station it appears to have been common practice for the caregivers to be asked to leave the interview rooms: *“The child was taken away to the interview room. This was fine with me as my mandate stops at the school. I just needed to be kept updated and posted on what was happening because I was only there as her life skills teacher” (RA4-NA-01-B- Caregiver).* However, this caregiver participated in a multi-agency meeting that was convened by the social worker from the Gender Based Violence unit. Through these engagements, the social worker referred the child victim and her siblings to be taken into care as this was a child headed family.

Another caregiver was not able to participate in the interview by the police officer but felt included as they *“had an opportunity to ask questions” (RA4-NA-04-B- Caregiver).* The caregiver was promised by the police that they would stop the circulation of a video of the child victim. The caregiver was disappointed this did not happen. Support was also provided by attending to all the meetings: *“we attended daily meetings with her for almost three weeks” (RA4-NA-04-B- Caregiver).*

Only one caregiver reported not participating in any meetings: *“they did not call me for any meeting” (RA4-NA-06-B- Caregiver).*

Caregivers had mixed feeling about the level of engagement the police had with the child victims:

*“I was very impressed by how the police quickly arranged for a trap in order to arrest the person. The Police instructed the girl to contact the perpetrator online as usual and convince him to meet face to face. This was a trap for the girl to meet this guy in person under their watch. The police’s plan was to arrest the perpetrator on the spot. Although the plan failed it was impressive” (RA4-NA-01-B).*

Some caregivers observed that their interactions started off very positive but over time they became negative as they realised their prospects of getting justice where slim: *“The process in the beginning was fine, but in the end I was disappointed. The police stopped giving feedback, they stopped answering my phone calls” (RA4-NA-04-B).*



Another guardian however, felt that the police had done well: *“The police were very helpful and understanding, they were able to calm the situation down”* (RA4-NA-05-B).

OCSEA victims and caregivers did not receive any material support to allow them to follow up on their cases, which resulted in great discomfort for the victims: *“we walked to the police station and to the hospital, which is really a distance for me and my child”* (RA4-NA-02-B- Caregiver).

Another caregiver also recounted the costs they had to meet in order to report the abuse: *“I had to fuel my car and go to the police. I also drove my child from the police to school. I met all the travelling costs involved in the case”* (RA4-NA-02-B- Caregiver).

It is evident from the discussion above that reporting OCSEA cases comes with significant time and financial costs as the child victim and caregiver need to constantly go to the police for different meetings. This could potentially serve as a deterrent for victims to come forward.

### **Caregivers’ experiences with the police**

Caregivers were asked to share their feelings after meeting the police: *“I tried to open a case against the perpetrator, but the police told me it was not possible as my child went on her free will to meet the perpetrator”* (RA4-NA-02-B).

More of the caregivers had a difficult time talking to the police as they struggled to come to terms with the experiences of the children:

*“It was a very, very sad moment. It brought tears to my eyes, so it was not that easy”* (RA4-NA-05-B);

*“I was very angry because when I spoke to my daughter she did not understand me. I was hoping the police would speak to her and would understand why it was important to report the abuse”* (RA4-NA-06-B).

Only one caregiver reported having positive feelings while talking to the police: *“I was free when I spoke to the police because I trusted them. I spoke openly and explained everything that had happened without any fear”* (RA4-NA-04-B).

The caregivers were also asked to identify what was the most difficult part of the entire process:

*“I would say the hardest part was that the whole system failed the child because no one paid attention to her mental state. I remember her running away from the mental health hospital and no efforts were made to get her back in. She was treated as an outpatient and there was no diagnosis made. I would say the slow responses by the police made things worse. The child would wait, anxiously, without protection. I also hope that the police have renovated this particular police station, as at that time there was no privacy and sensitivity as all cases were dealt with in one room. This meant people would discuss cases of rape, abuse or harassment publicly while others listened”* (RA4-NA-01-B).

The hardest part for other caregivers was watching the impact of the abuse on the child:

*“My child use to be a happy child, coming from school, asking what is there was anything to be done around the home? But from that day, she would come from school, she would go in bed, she would sleep, she was not having friends anymore. Everything was destroyed. Self-confidence, her self-confidence is destroyed. Trust that is destroyed” (RA4-NA-04-B);*

*“The hardest moment for her was believing that something like this could happen to her. There was a lot of processes involved and I know it will continue to affect her life for a very long time [...] I could not believe what had happened to my daughter and going through the police was the hardest thing I ever experienced” (RA4-NA-05-B);*

*“She was telling the police the perpetrator was her boyfriend” (RA4-NA-06-B).*

Asked to identify the most useful factor in their experience, a number of caregivers felt the support from social workers was very useful, they reportedly provided a consistent message that is *“something that was happening to many girls, but we need to find a way to get you out of the situation. I think that this somehow motivated the child to engage”* (RA4-NA-01-B).

The interviews with caregivers showed that there is still considerable confusion and insecurity among parents and legal caregivers on what to expect from the police. To most of them, it was not clear what rights they and their children had, and there was a general feeling that the outcome of the police report depends to a large degree on the officers they meet. If they are lucky, they will receive appropriate information on the processes. If they are unlucky, they receive no information whatsoever and feel helpless. This further underscores the need for a more systematic approach towards reporting OCSEA cases.

The comments from the OCSEA victims and caregivers point to significant trauma having been experienced. There is however very limited access to psychosocial support services for victims and survivors of OCSEA. As a result, a number of cases become inactive without the families receiving follow up psychosocial support services.

## Compensation

### Children's awareness on their right to compensation

None of the OCSEA victims were aware that they were eligible to receive compensation. The majority did not know what compensation was before the interviewer explained it to them. Only one child victim had been advised that they could receive compensation, but this may have been because the child had an uncle in the police force (RA4-NA-04-A-Child). Despite having this information, the victim and her caregiver did not seek compensation through the formal justice system, and instead attempted to reach an informal settlement with the perpetrator:

*"The guy that abused me promised my family that he will send money to help me. I wanted to use the money to go to another school and buy some things. He promised us that he would send N\$2000, he said this was all he could afford. We waited for the money but never heard from him again, maybe he blocked us and we could not get through to his number anymore [...] Receiving compensation would have made me feel better because I would have bought something. In my school and home area, most people know I was abused and got nothing [...] if I had been compensated at least I would have gone to buy clothes or something like that, I will show at least I got something out of it"* (RA4-NA-04-A- Child).

One case was different, as the child victim felt that she *"did not deserve the compensation as I was not abused but was in a relationship with my perpetrator"* (RA4-NA-06-A- Child).

One child stated that her family had been paid by her perpetrator, receiving N\$2000: *"I felt good, because my abuser paid something to my family. [...] My mother decided what to do with the money and I am happy with that"* (RA4-NA-02-A- Child).

Similar to the children, all but one of the caregivers had no idea what compensation was and had not been informed of their right to seek compensation. One caregiver had received some compensation following family negotiations with the perpetrators:

*"Traditionally, you cannot just apologise and get away with it. At least you should pay something, I demanded a payment and an apology, and the perpetrators family paid the N\$2000. The payment has made it possible for there to be some peace between our two family since we live in the same neighbourhood. [...] However, the relatives of the man did not refund us enough money to cater for what I spend for taxi fair and everything which is not justice to me"* (RA4-NA-02-B- Caregiver).

Three caregivers reported that *"we did not discuss anything regarding compensation with the police"* (RA4-NA-01-B- Caregiver; RA4-NA-04-B- Caregiver and RA4-NA-05-B- Caregiver). The same caregivers agreed that the information should have been shared upfront. They also felt that the compensation would have gone some way to help them to start to rebuild their life and to meet the costs they met as a result of the OCSEA. Compensation could *"have brought happiness since the abuse destroyed our lives"* (RA4-NA-04-B- Caregiver). *"I once thought of compensation for my daughter because she almost lost her whole life. So I think something should have been done about it"* (RA4-NA-05-B- Caregiver). The same three caregivers agreed that the compensation must come from the perpetrators. If this is not possible, the government must put some measures in place to ensure victims have some of their basic needs guaranteed. Like the children, the caregivers also felt dejected :*"I just realised there was*

*nothing I could do, and I just accepted that this is the way it is and I need to go on with my life” (RA4-NA-04-B- Caregiver).*

There was one outlier, with a caregiver who did not agree with the concept of compensation: *“I do not believe that the child should receive compensation. However, if it were to be done, the funds must come from the abuser. As black people, in our culture, we do not have that [compensation]. Our culture does not allow for compensation” (RA4-NA-06-B- Caregiver).*

The notion of culture appears to be prevalent, and one caregiver noted that within their culture it is possible to hold a perpetrator accountable by demanding an apology and some compensation. Another caregiver suggested their culture does not allow for the family of the abused to receive funds as compensation. This suggests that, within one country, different cultures can prescribe different approaches. This adds some complexity to the issue and could possibly diminish the positive role cultural practices could play. It is also noteworthy that the two families that pursued family-based negotiations were offered compensations of N\$2000. This could imply there is some sort of standard in terms of what the compensation should be if the issues are discussed and settled informally by families.

The majority of the OCSEA victims reported that if they had been informed of their right to compensation, they would have pursued it. Most of the children reported the compensation would have been useful to allow them to move on with their lives and pay for essentials such as medical care or to meet educational costs. If they had pursued compensation, the children reported they would have counted on the support of their caregiver to support them with the processes.

It is evident from the interviews with the OCSEA victims and their caregivers that lack of information about the existence of a compensation mechanism and about the possibility to seek compensation is the most significant barrier. As a result of this, there were no experiences with the formal compensation system that could be discussed during the interviews. The legal review confirms that child victims of OCSEA have the possibility of seeking compensation from convicted perpetrators.

Child victims do not need to pursue an independent civil suit and can be awarded compensation in the judgment of the criminal proceeding. However, the discussion above suggests that, for many reasons, very few – if any – victims have real prospects of accessing such compensation, especially given that none of the reported cases even went to court.

It is notable that families appear more inclined to pursue settlements between the perpetrator and the family of the OCSEA victim. While this type of informal settlement may seem to the families as a more likely way of getting some form of compensation, such an approach also comes with a high risk of the abusers failing to honour their promises and possibly further exposing the child to abuse.

There were no recommendations suggested by children to improve the compensation system. The lack of any such recommendations may be related to the complete lack of knowledge about the right to compensation among the interview participants.

## Successes

It is difficult to identify cases where things were done well and where a child victim of OCSEA got proper access to justice. However, across the six cases some promising practices can be highlighted.

One good practice is that it appears that all actors respect procedure and ensure all cases are first reported to the Gender Based Violence unit and the social workers from this unit appear to be supporting OCSEA victims and caregivers.

At the police station, some good practices can also be identified, such as the use of language that is understood by the child, or ensuring the child sits in a comfortable and private space and allowing the child to speak to an officer they are comfortable with. Some officers also explained the rights of the child, laid out the next steps and, while doing so, provided some emotional support. It is also evident that in most cases the officers insisted on interviewing the child alone – but the child victims saw this in different ways; some accepted it while others felt uncomfortable. In all but one case, the spaces used to handle OCSEA cases were described as of an acceptable quality or were not mentioned (i.e. nothing notable about them).

Lastly, one element that was considered effective was the linking of children to other service providers such as mental health service providers and the provision of medical exams and the necessary care after.

## Recommendations

### **Strengthen the legal framework**

The analysis makes it clear that there is a need for Namibia to strengthen its legal framework; this should clearly provide the space to criminalise and prosecute all manifestations of OCSEA such as live streaming of sexual abuse material, online grooming, online sexual extortion or bullying of a child through online sexual harassment. In addition, the legislation could remove children's criminal liability, a recognition of the abusive and exploitative nature of the situations under which OCSEA occurs. The interviews show that such a legal reform could make it easier for abuse victims to access justice and would enable the prosecution of perpetrators, with a higher rate of cases making it to court and leading to a conviction. The adoption of the Electronic Transactions and Cybercrime Bill into law could be an important step towards this goal. One caregiver noted that this is a priority: *"I would recommend that the people in positions of power discuss and plan more around children's online safety"* (RA4-NA-05-B). Caregivers also felt that leaving such an issue unaddressed much longer could lead to families taking the law into their own hands: *"If they go quiet on a case like they did on my daughter, one day they will hear that the survivor has been killed and it will be too late. As a parent I will decide to take the law into my own hands because I am frustrated with the lack of feedback and system"* (RA4-NA-06-B).

In addition, the general feeling is that the penalties for OCSEA must be significant:

*"I would like anyone who is doing wrong things to children to stay in jail forever"* (RA4-NA-02-A- Child);

*"I just want the perpetrator to be castrated"* (RA4-NA-02-B).

### **Improve knowledge of OCSEA**

Despite some limited efforts already noted in this report, there appears to be a need to do more to improve knowledge of OCSEA by caregivers, children and the community in general. The interviews suggest that the advocacy and information dissemination could strengthen the ability to identify and prevent OCSEA. In the event of OCSEA occurring, it could also improve the likelihood of communities, caregivers and children seeking to hold perpetrators accountable: *"Provide more information and awareness on online abuse and advise young people on what to do and what not to do when they come across something bad on the Internet"* (RA4-NA-05-B). More importantly, these efforts should focus on removing the stigma, fear and victim blaming that often accompany sexual crimes. Lastly, it was clear from the interviews that child victims require support to reach a decision to report OCSEA. It is key to raise awareness on the need for caregivers to encourage children until they are comfortable enough to report the crime.

The interaction with child victims and caregivers suggests that there is some confusion or diversity of practices between different sections of society in terms of how to treat OCSEA: *"Government must look into our tradition, when managing children's rights"* (RA4-NA-06-B). Advocacy work must tackle this issue head-on, clarifying the role of traditional beliefs and traditional institutions in fighting the abuse of children. Although the evidence is limited, some of the responses suggest that traditional beliefs are being used to get perpetrators off the hook through harmful views and practices and the reliance on family-based dispute settlements.

### **Popularise reporting platforms**



The *Frontline Service Provider Survey* conducted by ECPAT in Namibia for *Disrupting Harm* confirmed the presence of reporting platforms for OCSEA in Namibia. However, the discussion above suggests these mechanisms are not well known. The work on improving knowledge of OCSEA must also popularise the existing reporting platforms for OCSEA. This should go a long way in ensuring that cases are handled by institutions and professionals with specialised skills – ensuring the right advice, care from the start and help to build confidence in key institutions.

The interviews confirmed the complexities around OCSEA, which is a concept that is not yet well understood, neither by families nor by those in the justice system. There is still a lot of fear, shame and stigma around the abuse with some sentiment of blaming the victim. It is also evident that the access to criminal justice for OCSEA victims is severely compromised. There is a need to improve the system and ensure a greater compliance with procedures to ensure speedy, sensitive and child-friendly justice.

### ***Empower actors in judicial service to provide quality service***

The Gender Based Violence unit has shown the efficacy of specialised units in providing specialised and child-friendly services to deal with the sexual exploitation and abuse of children. All mentions of this unit in the interviews were of a positive nature. In comparison, the reviews of the police's performance were largely negative. It could be useful to ensure, across every stage of the justice system (police, lawyers and judges), that there are dedicated and highly trained professionals that support OCSEA victims and caregivers: *"I would recommend that the Police create a cyber-online division, which will mainly focus on OCSEA cases"* (RA4-NA-01-B). More importantly, there is a need to strengthen the capacity of key actors from the police, social workers, lawyers and judges. This could lead to a standardised application of procedures relating to the treatment of OCSEA victims.

The police generally created negative emotions for the interviewed OCSEA victims and their caregivers. A number of recommendations could improve the service delivered: *"The police kept telling me to come back. So I used to go to the station every day. I think they should just finish the case once off, once he starts not to come back and then go back and then come back again for such matters"* (RA4-NA-03-A- Child). The police must streamline processes to reduce the burden for victims where they need to make multiple visits to the station. In addition, there were significant concerns regarding the time the police took to conclude cases and the communication on progress of the cases: *"The police should give regular feedback on their investigations and actions in a timely manner"* (RA4-NA-01-A- Child).

Child victims and caregivers also recommended that *"the police must be more focused on the child. I would tell them to listen to the children and respect their decision"* (RA4-NA-02-B and RA4-NA-05-B). In addition *"the police must avoid being rude"* (RA4-NA-06-B) and *"the police must be fair and avoid covering things up. They must explain very well that this is not going to happen and why"* (RA4-NA-04-A- Child).

OCSEA victims largely recommended that the police *"should arrest the perpetrators"* (RA4-NA-06-A- Child and RA4-NA-05-A- Child). In addition, their behaviour and tone must reflect a body that is working to serve the interest of the children: *"I just wanted to recommend that in future the police officers shouldn't be like they're on the perpetrator side"* (RA4-NA-02-A- Child).

The OCSEA victims and caregivers stated that it could be useful to consider specific spaces and treatment for child victims at the police station, to avoid situations where OCSEA cases are managed



along other rape and assault cases. It was evident from the interviews that child victims (at least girls) prefer having the opportunity to speak with female officers, thus such officers must be available and the children must be provided with an opportunity to select the officer to assist them. Lastly, the interviews suggest that the police must have a standard information package for all victims to ensure that all the relevant procedures are explained and enable caregivers and child victims to make informed decisions.

Access to legal representatives should be expanded to ensure more child victims go through the justice system with a lawyer. Caregivers and child victims, as a practice, should be consulted before the allocation of a lawyer. Like with the police, it is anticipated there will be a preference to have female lawyers, thus relevant departments must ensure the availability of female lawyers to support female OCSEA victims.

Once the legal reforms are concluded, it could be useful to ensure lawyers, judges and police officers are supported to ensure the language used is clearly understood by the child victim and caregivers and provide translation services where necessary. More importantly, an effort must be made to use child-friendly language and to avoid passing judgement or use language that worsen feelings of shame and guilt.

The interviews showed that the biggest impediment to families seeking compensation is the lack of information about it. The discussions suggest that OCSEA victims and caregivers should be provided with information on compensation at the start of the process to increase the likelihood of them pursuing compensation. In addition, child victims and caregivers recommended that the process of compensation must be integrated. When the courts make a decision, they should also consider that aspect without the families needing to take additional action.

During the interviews, the children suggested some changes to make it easier for OCSEA victims to participate in criminal cases against their abusers. The children recommended that cases should be handled carefully and in a consistent manner, ensuring that cases are prosecuted and at the end, that the child and parents are briefed of the outcome.

The children also recommended that, in the future, OCSEA cases must be processed fast to allow the child victims an opportunity to quickly move on. This would also hopefully reduce the costs families face as they seek justice for OCSEA victims.

### ***Psychosocial support services must become more readily available***

The report points to significant trauma having been experienced by the interviewed OCSEA victims. There is however very limited access to long term psychosocial support services for victims and survivors of OCSEA. As a result, a number of cases become inactive without the families receiving psychosocial support services. It is important to ensure all children and caregivers who make OCSEA reports can access psychosocial support services.