



For children and adolescents, social media services play an essential role in the formation of identity. Alongside information and options for communication, they offer space for creative activity and for experimenting with one's own self-portrayal. However, jugendschutz.net frequently discovers elements of sexual harassment in communication that is either directed towards minors or can be encountered by them. The spectrum ranges from ambiguous comments to descriptions of sexual fantasies and even to calls for young people to perform sexual acts on themselves. As reported in the "EU kids online" study, a third of all girls and a fourth of all boys have already been confronted with intimate or suggestive questions. In 2022, jugendschutz.net examined the prevailing forms of sexually harassing communication and its function as a gateway on two services, TikTok and Instagram, that are popular among children and adolescents.

The explorative research addressed only those areas of the services that are accessible to the general public, such as visible comments or chats attached to livestreams run by minors on TikTok.3 The focus was on harassing content explicitly directed towards children and adolescents, but also towards content creators who appeal to youngsters.

In evaluating the research results and formulating recommendations for action, jugendschutz.net also incorporated its observations with regard to structural precautions taken by the services.

What is sexually harassing communication and what risks does it pose to minors?

Sexually harassing communication can be encountered wherever children and adolescents move about online and communicate with others. Within the framework of the research, it was defined as "unilat-

eral and undesired messaging containing sexual references, which usually occurs unexpectedly and appears inappropriate".

For children and adolescents, the transition to adult life is a sensitive phase, involving challenges and uncertainties. If unexpectedly confronted with sexually harassing content, young people can be overwhelmed, taken aback or frightened – leading to negative effects on their personality development. This may affect their ability to recognize or set boundaries, to treat others with respect and acknowledge boundaries they have set.

Particularly in the course of direct communication, minors may feel pressured to react spontaneously to sexually oriented questions or demands. Due to their lack of experience, this can lead to risky decisions with consequences they are unable to anticipate – for example, when they are promised gifts of money if they reveal intimate details or send revealing photos.

¹ Hans-Bredow-Institut (ed.) (2019): Online-Erfahrungen von 9- bis 17-Jährigen (Online Experience of 9- to 17-year-olds). https://leibniz-hbi.de/uploads/media/Publikationen/cms/media/odfzzoy_EUKO_DE_191209.pdf, p. 25 (in German).

² Medienpädagogischer Forschungsverbund Südwest (ed.) (2020): KIM-Studie. Basisuntersuchung zum Medienumgang 6-bis 13-Jähriger. https://www.mpfs.de/fileadmin/files/Studien/KIM/2020/KIM-Studie2020 WEB final.pdf, p. 49; Medienpädagogischer Forschungsverbund Südwest (ed.) (2021): JIM-Studie. Basisuntersuchung zum Medienumgang 12- bis 19-Jähriger. https://www.mpfs.de/fileadmin/files/Studien/JIM/2021/JIM-Studie2021 barrierefrei.pdf, p. 38 (Basis data on media usage of children and adolescents in Germany, based on long-term observation; in German).

³ Concerning content that is not publicly accessible, jugendschutz.net cannot estimate the extent and intensity of the risks associated with contact and confrontation. This applies, e.g., to private messages, comments visible only to a select circle of users, or communication in private groups.

Even when boundaries are overstepped in seemingly less serious ways – such as comments with double meanings or remarks that play on gender clichés – it can violate the sexual integrity of an adolescent and contribute to an impression that such things are acceptable behavior.

And even when minors are not addressed personally, but rather "merely" witness how their peers or adult persons are being addressed or demeaned in sexual terms, it can have the effect of normalizing communication that is tinged with sexual harassment. This effect can be further reinforced if the participants happen to be role models for the children and adolescents, or when the platforms that enable these encounters take no active measures to inhibit them.

How media law assesses sexually harassing content

Children and adolescents have the right to unhindered development as an autonomous personality who can function in a community. Sexually harassing content with potentially adverse effects can (under German law), in accord with the Interstate Treaty for the Protection of Human Dignity undesired forwarding of sexual content, in part subject to criminal prosecution (e.g. §§ 184, 184a StGB) and the Protection of Minors in the Media (JMStV) and the Youth Protection Act (JuSchG), be classified as detrimental to development or as endangering minors.

In such an assessment, the context must always be taken into consideration – for example, the course of the communication or the (assumed) age of the addressee. The self-same message content might be (barely) socially adequate when directed to an adult, but (quite) inacceptable when directed to a minor. Furthermore, it is to be taken into account that individual children and adolescents may be particularly susceptible to certain dangers.

Examples for an assessment of content as detrimental to development:

- suggestion of sexual interest towards a child, e.g. "I think you're sexy"
- sexualized or ambiguous language without explicit terms, e.g. "mine is 13.5 cm"

Examples for an assessment as endangering to minors:

- demonstrating sexual interest through unambiguously graphic or degrading language or images, e.g. "you are so hot, I have to cum again"
- thematizing sexual fetishes, e.g. "I want to lick your feet"

Examples for an assessment as endangering to minors:

- attempting to arrange an encounter with a sexual purpose
- undesired forwarding of sexual content, in part subject to criminal prosecution (e.g. §§ 184, 184a StGB)

Depending on the individual case, sexual harassment in online communication may be liable to prosecution above and beyond the laws protecting youth in the media. There are other potentially relevant crimes, such as insult (in a sexual context, § 185 StGB), sexual abuse of children without physical contact to the child (§ 176a StGB), or sexual harassment (§ 184i StGB) – whereby the latter charge would require bodily contact. When such contact is depicted online in a video, for example, it can also be detrimental to the development of young viewers.

⁴ Kommission für Jugendmedienschutz (ed.) (2020): Criteria for supervision in TV and telemedia (in German). https://www.kjm-kriterien.de/fileadmin/Daten-KjM/2022 02 Kriterien KJM.pdf

Violations documented

In the course of this research, 78 content elements were documented that fulfilled the criteria explained above. In 50 cases, they were directed personally towards a person assumed to be a minor, in 28 cases towards a content creator popular among young people.

58 of the postings were classified as detrimental to development, 20 as endangerment of minors. Overt endangerment of a minor was not among the cases.

In the majority of cases, female users were the targets, although no generalizations about the phenomenon can be derived from this detail since the design of the research setting was not gendersensitive.

Harassment of minors in TikTok LIVEs

The abrupt shift to sexualized questions and remarks

On TikTok, jugendschutz.net observed sexually harassing communication occurring particularly on livestreams posted by minors. The LIVE function is offered to users who are 16 or older and have at least 1,000 followers. They can start a video upload in real time with an accompanying chat for interacting with others. Once the stream has ended, the content can no longer be retrieved.

Despite the stipulated age limit, persons who are much younger also present themselves. Minors stream from their room at home as they attend to their make-up or hairdo, from the classroom during school, or from the park in their free time.

During the stream they focus on reading aloud and responding to things others have written in the chat. Here, children and adolescents have been confronted with comments on their bodily development, such as "75b" or "beautiful milk tanks". They have been asked to undress or to participate in sexualized challenges: "Challenge (...) secretly give the girl next to you a nipple twist".



A 15-year-old is talking about how her day has been and is abruptly asked about her sexual experience. (source: TikTok, original not pixelated)

The comments range from ambiguous offsides like "The banana has also been in somewhere else" to explicit questions such as "Is the young guy's whip a shower or a grower?". Sometimes the comments

⁵ Status as a minor was assumed when mentioned explicitly by the person or deducible from context information, such as school, grade (form), or statements like "won't say my age, would get kicked off".

⁶ The majority of the comments were in German. Spelling errors from German comments were corrected in their English translation due to comprehensibility.

were highlighted with sexualized emojis, such as the eggplant or drops of water.⁷

Young users who have stated that they are 18 or older can receive virtual gifts on LIVEs – roses, for example, and can use these to earn money.⁸ It was observed that minors were being promised gifts or positive reactions, such as 'likes', if they showed certain parts of their body on camera. With comments like "Twerk for 250 roses?", one user tried to persuade a 13-year-old to twerk.⁹



Recurring references to feet in the chat entries on the LIVE of a 13-year-old girl on TikTok. (source: TikTok, original not pixelated)

Repeatedly, there were references made in the chats to sexualized fetishes, in particular to the sexual preoccupation with feet.

Remarks like "show your feet" or "are you barefoot in your shoes today?" also occurred in combination with challenges and virtual gifts, for example "have your feet tickled for one whole minute challenge if you make it the gift will be a rocket". On one LIVE, someone directly asked a 12-year-old to sell her dirty socks.

"That's none of your business!" – Children and adolescents talk back

Some children and adolescents reacted confidently to harassing comments, addressing them directly and refusing to go along with them. "I'm smart and won't show my stomach, I'm not showing anything here" was the response of one girl who had been asked by a user to pull up her t-shirt.

Occasionally users were asked to leave a LIVE, either by the person who was streaming – "go away, you disgusting pedos" – or by other users who posted comments such as "just perverts checking out the kids" or "report that guy" to call attention to suspicious persons or inappropriate chat entries.

Harassment in public comments on Instagram

Targeting creators¹⁰ who cater to young people

On Instagram, jugendschutz.net observed sexually harassing communication directed particularly towards content creators who attract a young audience. A beauty creator with 8.2 million followers, for example, was publicly called a "sxdoll" and received

⁷ The eggplant is used as a synonym for an erect penis, drops of water as a synonym for ejaculation.

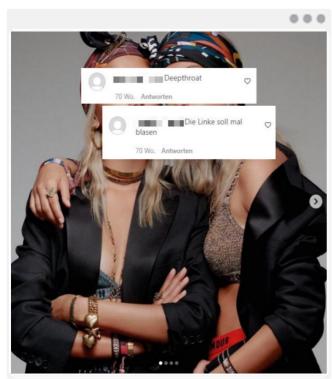
⁸ Other users purchase, with real money, "coins" that are used to buy virtual "gifts". Per gift, creators receive a given number of "diamonds" that in turn can be exchanged for real money (at an unknown rate). See also the report "Kauffunktionen in Social Media" (Purchasing Functions on Social Media), jugendschutz.net, May 2022 (in German).

⁹ Twerking is a style of dancing in which the hips gyrate and the focus is on the derrière.

¹⁰ In this report, the term "creator" designates persons who produce social media content. The selection of creators attractive to children and adolescents was based on ranking lists published by bravo.de and nindo.de.

comments on her content along the lines of "just rubbing myself down" or "got a boner going here".

Attached to images of a young actress who has 1.4 million followers, there were sexual fantasies, such as "I would stick it to you so hard, it would be the hottest night of your life, after that you wouldn't be lesbian any more" or "I want to take you doggy-style (tongue emoji)". It was striking that many comments were insulting, clearly aimed at demeaning the person being addressed.



Two creators who cater to a young audience (18.3 million followers) are directly challenged to perform sexual acts. Note: translation of the German comment: "The left one should suck".

(source: Instagram, original not pixelated)

Among those creators targeted were also minors, for example a young model with 1.4 million followers. Here, jugendschutz.net found harassing comments, such as "sexdoll" or "hot and filthy". Under a photo of the 17-year-old together with her famous mother, in

evening gala, one user commented "just right for a gang bang".

Exaggerated compliments on the accounts of child models¹¹

On the accounts of so-called "child models" or of amateur athletes who are minors, jugendschutz.net often discovered exaggerated compliments or sympathetic statements that cannot, strictly speaking, be classified as infringements of media law. Comments such as "you are so sweet", "cute", "hot" sometimes were supplemented by a series of flame, heart, or kiss emojis – which amounts to pushing the limits, considering the content they are responding to.



The photo of a child model in everyday clothing triggers exaggerated flattery accompanied by ambiguous emojis. (source: Instagram, original not pixelated)

¹¹ This report uses the term "child model" to describe underage creators whose accounts are apparently, at least in part, run by adults. They present clothing or pose in everyday situations.

Undetected: Sexual content in private messages

On both of the services that were examined, direct messages play an essential role for young users – on Instagram, for example, due to the immediate linkage with the story function. Users reading stories can only respond via direct message.

Research studies have suggested that private messages are being misused to harass children and adolescents, although no individual study has yet focused on TikTok and Instagram. In a Swedish study conducted in 2021 with more than 13,000 participants aged 10 to 17 years, 88 % of the girls and 53 % of the boys said they had already received unsolicited nude photos. Similar outcomes emerged from a study in Finland on the topic of cybergrooming: 17 % of the 11- to 17-year-olds surveyed reported receiving messages with sexual content on a weekly basis, and 29 % at least once a month.

jugendschutz.net observed that users, in comments or on LIVEs, were urging minors to contact them via direct message, writing "Dm me" or "PM please". Whether or not children and adolescents can be harassed through private messages depends, among other factors, on the default settings that are standard on the platform, and/or how those have been adjusted by the person on the receiving end.

Reaction of platform operators when content is reported

jugendschutz.net initiated reporting measures in 34 cases of sexual harassment in comments.

33 of these cases occurred on Instagram and only one on TikTok. In two additional cases, the content had been deleted before measures were initiated, and in 42 cases the content was located in TikTok LIVE chats, and therefore not available after the LIVEs had ended.

Where content was considered endangering to minors, in a first reporting step a normal user complaint was submitted through the support option, leading to deletion of the material in five out of 16 instances. In a second step, seven days later, jugendschutz.net contacted Instagram directly, resulting in nine more deletions. In all, 14 of the 16 posts with content that endangered minors were removed by the service in a timely manner.

When content was deemed to be developmentally detrimental, jugendschutz.net put the platform operator on notice. This led to deletion in 16 of 18 cases. While additional legal measures were being considered, the remaining cases with endangering or developmentally detrimental content were resolved by deletion.

It was apparent that, on Instagram, there is plenty of room for improvement regarding its response to user reports. A comparable assessment cannot be made about TikTok due to the minimal number of cases (1).

Age-differentiated prevention measures, but no reliable means of verification

TikTok and Instagram, in their Terms of Service, both set the minimum age for users at 13 years. During registration, users are asked for their date of birth, but there is no reliable verification process in place.

¹² ECPAT Sweden (ed.) (2021): "Everything that is not a yes is a no". A report about children's everyday exposure to sexual crimes and their protective strategies. https://ecpat.se/wp-content/uploads/2020/12/ECPAT-Report-2021_Everything-that-is-not-a-yes-is-a-no.pdf, p. 19.

¹³ Save the Children Finland (ed.) (2021): Grooming in the eyes of a child. A report on the experiences of children on online Grooming. https://pelastakaalapset.s3.eu-west-1.amazo-naws.com/main/2021/08/03151159/grooming in the eyes of a child 2021.pdf, p. 16.

Both services declare that they employ technical mechanisms, to varying degrees, for verification of age, and that accounts of users under the minimum age of 13 are removed. Nonetheless, jugend-schutz.net frequently encounters users who are not yet 13 years old – or, in the case of TikTok, are making use of functions that are not approved for users in their age group.

In their guidelines, both TikTok and Instagram forbid sexually harassing communication and offer options for blocking individual users as well as profiles and content. Furthermore, there are preventive measures associated with certain functions, but they are only effective when the date of birth has been provided accurately:

TikTok

- Limitation on direct messages, which are only available to those 16 or older; even then, default setting is on 'deactivated' and can only be activated for "friends" (reciprocal followers)
- Limitation on comments: only "friends" can post comments directed towards 13- to 15-year-olds; default setting for 16- and 17-year-olds allows all users to comment, but permits resetting to "friends" only
- Comment filter (also for live chats): per default setting, the filter is activated and can only be deactivated by users over 16; it automatically filters out content that is judged by an algorithm to be potentially undesirable; the user can add concepts to be filtered out; those 16 and older can opt in to preview incoming comments and approve/reject their publication, individually

- Limitation on starting a LIVE: only available to those over 16 with a minimum of 1,000 followers¹⁵
- Family Pairing: tool for parental supervision; offers, for example, the option to limit commentary function, or restrict direct message function for those over 16

<u>Instagram</u>

- Limitation on direct messages: guidelines disallow direct messages from adults to minors, except if the latter are followers; Instagram informs minors addressed by adults who have already contacted many other minors; option is offered to disable messaging attempts from strangers.
- Limitation on comments: commentary function can be turned off completely or for individual posts
- Comment filter: automatically filters incoming comments on content posted by account owner, using a list of keywords; option to add or substitute keywords of one's own
- Setting for fleeting communication: reply function for stories can be deactivated or, e.g., limited to "persons whom you follow"; during live videos, restriction can only be made on the video that is already running
- Parental Supervision: tool for accompanying minors; offers an overview of contacts; currently no option to adjust settings

¹⁴ https://newsroom.tiktok.com/en-eu/our-work-to-keep-tiktok-a-place-for-people-13-and-over-eu, retrieved Dec. 20, 2022; https://about.instagram.com/de-de/blog/announcements/new-ways-to-verify-age-on-instagram, retrieved Dec. 20, 2022.

¹⁵ After this research was completed, the minimum age for this function was raised to 18 years.

LIVEs run by minors are public and only rarely moderated

Viewing of TikTok LIVEs is open to all registered users, meaning that those under 16 years of age can easily be confronted with content that is dangerous or detrimental to them.

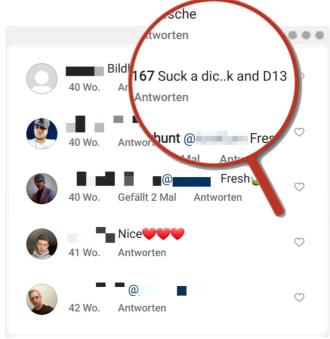
TikTok offers the option of appointing moderators during a LIVE – as many as 20 persons per stream. They can, just as the streamer, mute or block visitors. Potentially, this transfer of responsibility from the service to the users can be overchallenging for minors. However, up to now jugendschutz.net has only occasionally observed minors making use of this option.

There are also livestreams on Instagram. But they are relatively hard to find (as opposed to the LIVEs on Tik-Tok) – they don't appear in the feed and can't be selected off a list/overview. To view them systematically, one would need to be following and observing persons who are planning to go live. Although the risk of confrontations on such streams cannot be ruled out, this type of viewing was not pursued in the research framework, since it would hardly have been possible to simulate the user behavior of children and adolescents.

Comment filter does not reliably identify ambiguities

Both services include comment filters that, however, only provide limited protection against sexual harassment during communication. The filters as preconfigured by providers do not reliably identify all the possible manifestations of harassment, e.g., when ambiguous language or emojis are used.

Although it is possible to add keywords and emojis to the predefined list, that is time-consuming and it requires knowledge about things to be avoided – knowledge that children and adolescents don't have until they have been harassed.



Alternative spellings suffice to evade the comment filter on Instagram.

(source: Instagram, original not pixelated)

Standard settings for direct messages provide only limited protection

TikTok allows direct messages only for users who are 16 and older, which can induce younger persons to lie about their age during registration or to switch to public communication channels. The risk here is that contact data will be posted in comments or in biographies, with private communication then being outsourced to other services. This course of events was repeatedly observed during the research.

Instagram prevents adults from contacting minors through private messages. This measure would seem to ensure a high level of protection, but it does not always function reliably. Until a few years ago, for example, users were not required to state their age when registering. With no date of birth on record, these persons can send direct messages to minors, unhindered. Moreover, it remains possible that minors can be harassed by members of their own age group, by acquaintances, or by adults who have lied about their age and registered as minors.

Reporting and help systems provide insufficient support

Even with the best prevention efforts, sexual harassment in online communication cannot be completely prevented. This makes the reporting systems of the service platforms all the more relevant. Both of the services studied currently have a system in place that can be accessed at any time and is easy to use, so that sexual harassment in any type of content can be reported. The outcomes of this research demonstrate, however, that the services' response to user complaints is still unsatisfactory.

When young users encounter problems, they need immediate support and also information about available options for offline counseling services. Advice and support systems serve in this context as an important instrument toward empowering children and adolescents. It would be desirable that more information be provided directly within the reporting process, for example about counseling services. On TikTok there is no additional support offered at this time; on Instagram there is merely the option of blocking, with one click, the user who is being reported.

The "Help Center" and "Safety Center" of TikTok can be accessed within the app. Although they do offer information on the topic of sexualized violence, the focus is on sexual abuse. There is no explicit guidance on sexually harassing communication in comments and direct messages. No behavioral suggestions are provided, apart from references to settings and the reporting system. No information whatsoever is given about counseling services.

Similarly, on Instagram, a keyword search within the Help Center produces no more than references to the reporting function and the community guidelines, along with information about the improper use of photos – but no explicit information on the topic of sexual harassment in communication, or on counseling services.



Searching with the keyword "harassed" in the TikTok Help Center produces 0 results. (source: TikTok, "Help Center")

For parents and legal guardians, both services provide a guide with a comprehensive explanation of the safety settings, but without any explicit mention of sexually harassing communication.¹⁶

¹⁶ TikTok: <u>Guideline – For Parents and Guardians</u>; Instagram: <u>Parent's Guide</u>.

Conclusion

TikTok and Instagram are attractive for children and adolescents. Presenting themselves in posts, livestreams or stories and interacting with others through comments or private messages can be enjoyable and present opportunities for creative expression.

At the same time, the research undertaken by jugendschutz.net demonstrates how easily it can happen that children and adolescents be sexually harassed on these services or be confronted with the sexual harassment of others. The research reveals a segment of the everyday reality of children and adolescents, and it suggests that the actual level of harassment is many times higher. As studies have shown: a great deal of communication takes place in private areas that are not open to public view. The content that children and adolescents will encounter is always determined by the individual recommendations an algorithm generates, and by the community they interact with.

In their intensity, the forms of harassment that were documented vary from marginal and ambiguous remarks to explicitly sexual statements and requests. This type of content can be detrimental to children and adolescents in developing an autonomous personality and the ability to function within a community. In severe cases, the content can constitute a direct endangerment to a minor.

Social media content can serve as an aid to orientation, a means of addressing sex-related norms and values, issues of development, or uncertainties. If sexual harassment is presented and perceived as a normal element of communication, there is a risk that over time, problematic views and forms of behavior may be adopted or consolidated.

The negative effect can be reinforced if there is no active response to harassment, for example, because social media services only react reluctantly when content is reported.

TikTok and Instagram have already implemented a number of preventive measures that are suited to protect users from sexually harassing communication. However, many of the measures are only effective if users have truthfully stated their age: a reliable verification process for this needs to be enacted.

Learning to communicate respectfully while observing boundaries is a developmental process for which the services could provide more support. Up to now, they have concentrated on excluding children and adolescents from their services or from using certain functions, rather than on creating environments that would provide a sheltered space in which to learn to deal with the various functions. Attractive features like private messages are, on TikTok for example, only available to those over 16. Such restrictions can induce children and adolescents to falsify their date of birth and, in doing so, unintentionally disable other preventive mechanisms.

In order to protect children and adolescents from sexual harassment in online communication and to assist them in learning to protect themselves, parents, educators and the young people themselves need to be informed about the risks associated with interactive functions on social media. They need support in dealing with risks safely, as well as practical tips on how to react when boundaries have been overstepped.

Further information:



www.jugendschutz.net

Report violations at:



www.jugendschutz.net/en/make-a-report

About jugendschutz.net

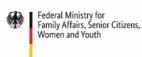
jugendschutz.net is the joint center of the German Federal Government and the federal states tasked with the protection of children and young people on the internet. jugendschutz.net looks closely at dangers and risks in internet services specifically popular among young people and urges providers and operators to design their content in a way that allows children and young people to use the internet free of troubles.

The German youth ministries founded jugendschutz.net in 1997. Since 2003, jugendschutz.net has been organizationally linked to the Commission for the Protection of Minors in the Media (KJM). The work of jugendschutz.net is funded by the Supreme Youth Protection Authorities of the federal states, the State Media Supervisory Bodies and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

The jugendschutz.net hotline accepts reports about violations of youth media protection laws.

These can be reported at: www.jugendschutz.net/en/make-a-report

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