

**I DON'T DO
CYBER BULLYING
AND SEXTING**

IF YOU WISH TO
SPEAK TO SOMEONE
CONFIDENTIALLY, **CALL
THESE NUMBERS**

**The Department of Justice and
Constitutional Development**
012 315 1111

Childline
080 005 5555

Lifeline
011 728 1347

South African Police Services
10111 or 086 001 0111

The Department of Social Development
012 312 7500

The Department of Basic Education
0800 202 933

National Prosecuting Authority
012 845 6000

Legal Aid South Africa
011 877 2000



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



WHAT IS CYBER BULLYING?

Cyber bullying includes acts involving bullying and harassment through the use of electronic devices or technology.

Cyber bullying is perpetrated through the following methods:

- Text messages
- Picture/video clips(via mobile phones)
- Mobile phone calls
- Emails
- Chat rooms
- Instant messages
- Website and blogs
- Social networking sites(such as Facebook, twitter)
- Internet gaming

WHAT IS SEXTING?

Sexting involves the sending of nude or semi-nude photos or videos and /or sexually suggestive messages via mobile phone texting or instant message.

Among children, sexting refers to:

- Sexually explicit texts or nude or partially nude images of minors sent to minors, and these images may in some instances be classified as child pornography.



Cyber bullying and sexting may result in victims suffering from anxiety and depression and, in extreme cases committing suicide.



LEGAL CONSEQUENCES OF CYBER BULLYING

The perpetrator may be criminally charged with the following offences:

- **CRIMEN INIURIA** – consists of the unlawful, intentional and serious violation of dignity or privacy of another person.
- **ASSAULT** – any unlawful and intentional act or omission which results in another person's bodily integrity being directly or indirectly impaired or which inspires a belief or fear in another person that such impairment will be carried out.
- **CRIMINAL DEFAMATION** – is the unlawful and intentional publication of a matter concerning another, which tends to seriously injure his or her reputation. This includes both verbal or written defamation.
- **EXTORTION** – is committed when a person unlawfully and intentionally obtains some advantage, which may be of either a patrimonial or non-patrimonial nature, from another, by subjecting the latter to pressure, which induces him or her to hand over the advantage.

The perpetrator may also be sued for damages and defamation.

LEGAL CONSEQUENCES OF SEXTING

Section 19 of the Criminal Law (Sexual Offences and related Matters) Amendment Act,2007 (Act 32 of 2007) provides that any person exposing or displaying, or causing exposure or display, of child pornography to a child is guilty of the offence of exposing or displaying or causing the exposure or display, of child pornography or pornography to a child.

Sending and sharing nude or semi-nude photos or videos and/or sexually suggestive messages via mobile phone texting or instant messaging (sexting) between children may therefore, depending on the content, also fall within the ambit of the prohibition of possessing or creating, producing and distributing child pornography.

Also, if a child aids, abets, induces, incites, instigates, instructs, commands, counsels or procures another child to take and send such photo of the latter to the first child or another person, he or she will be guilty of an offence.

SENTENCES:

A person found guilty may be sentenced to a fine or imprisonment or both.

A conviction in terms of this Act may also result in the offender's particulars being registered in the National Register for Sex Offenders.

The victim of cyber bullying can apply at the nearest Magistrate's Court for a protection order in terms of the Protection from Harassment Act, 2011 (Act 17 of 2011).