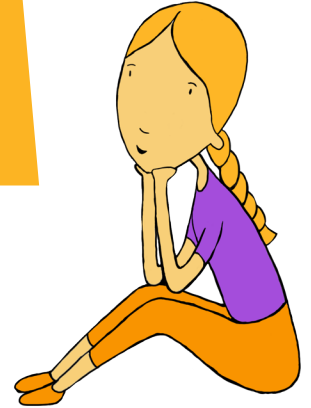




Sexting



For people under 18, non-consensual sexting is illegal and penalties can be very serious.

What is ‘sexting’?

‘Sexting’ means sharing sexually explicit photos or videos via the internet, mobile phones or other forms of social media. With modern technology this can be done instantly, but it can have serious and lasting consequences.

What are the possible social consequences of ‘sexting’?

Once digital images are sent, they are no longer private and you can’t get them back. They can resurface again when least expected. They can be published and found by anyone, including friends, family members, complete strangers, and sexual predators. Images can be used to exploit, bully and harass individuals.

What are the possible legal consequences of ‘sexting’?

For people under 18 years of age, sexting that is non-consensual, exploitative or predatory is illegal. To protect young people from harm that may be caused by distribution of intimate images, two criminal offences and penalties have been created. It is illegal to intentionally distribute and/or to threaten to distribute an intimate image of a person under the age of 18 years where the person in

the image has not provided their consent and the distribution is contrary to community standards of acceptable conduct.

It does not matter how the image is distributed, you may have emailed the image, uploaded the image to a social media site or stored the image on a device and showed it to others—**without the subject’s consent you have broken the law**. In the case of people under 18 years old, consent to the distribution is not necessarily a defence. What matters is the context in which the image was captured and distributed, the personal circumstances of the person depicted, and the degree to which their privacy is affected by the distribution.

Penalties for these offences are very serious and can result in a criminal record and/or imprisonment.

A person who creates, possesses or shares an intimate image of a person who is under 18 years old commits a child pornography offence unless that person is also under 18 years old and comes within an exception to the child pornography offences. In the case of sexting, the exceptions are limited to sharing between peers—that is, the person must not be more than two years older than another person depicted in the image (or reasonably believe this to be so). Further, the exceptions do not apply to an image that depicts a criminal offence punishable by imprisonment, unless the person involved in the sexting is the victim of the offence depicted.

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Once a person turns 18, the exceptions to the child pornography offences no longer apply, even if the person obtained the image when they were under 18 years old. Penalties for child pornography offences are very serious and can result in imprisonment and registration on the sex offenders register.

What are the reasons for 'sexting'?

Young people are naturally curious and interested in exploring sexuality. They are also exposed to a wide range of sexual imagery; in songs, video clips, movies, advertising and online. This can promote the idea that sexual behaviour has no repercussions. Unfortunately the reality is more complicated and young people often only become aware of this after the event.

In Pew Internet Project and the University of Michigan (2009) middle and high school students in three cities described the pressure they feel to share sexually explicit images. One high school girl wrote:

'When I was about 14-15 years old, I received/sent these types of pictures. Boys usually ask for them or started that type of conversation. My boyfriend, or someone I really liked asked for them and I felt like if I didn't do it, they wouldn't continue to talk to me. At the time, it was no big deal but now looking back it was definitely inappropriate and over the line.'

Talk with your child

Regularly talk with your children about their experiences. Ask them what they have seen or done, and if they have had any problems.

Reinforce that nothing is so bad that they can't talk to you about it. Ensure them they know they can tell you when they have any problems, if they see something that they know is wrong, or anything that upsets them.

Children often fear telling a parent an issue as they think this will result in their technology being confiscated. Don't threaten to disconnect your child—this will only lead them to hide problems from you.

What do I do if I find explicit images of my child?

- Don't yell, scream or panic. Try to remain calm.
- Talk to them about your concerns and allow them time to respond.
- Try to work out how/where this has happened and who else may be involved. Where are the images now? Who may have them?
- Act as soon as you are aware.
- Make an appointment to speak to someone at your child's school such as a counsellor, teacher, or principal, and let them know what has occurred.
- Be aware that in some instances, police may need to be involved and schools have certain obligations in relation to the reporting of incidents. Please don't withhold information from the school because you are concerned about police involvement. Police are very well placed to deal with these issues and have tools to minimise the impact.
- If you believe that the 'sexting' is a result of your child being the victim of an online sexual predator rather than adolescent naivety, please notify the police immediately.