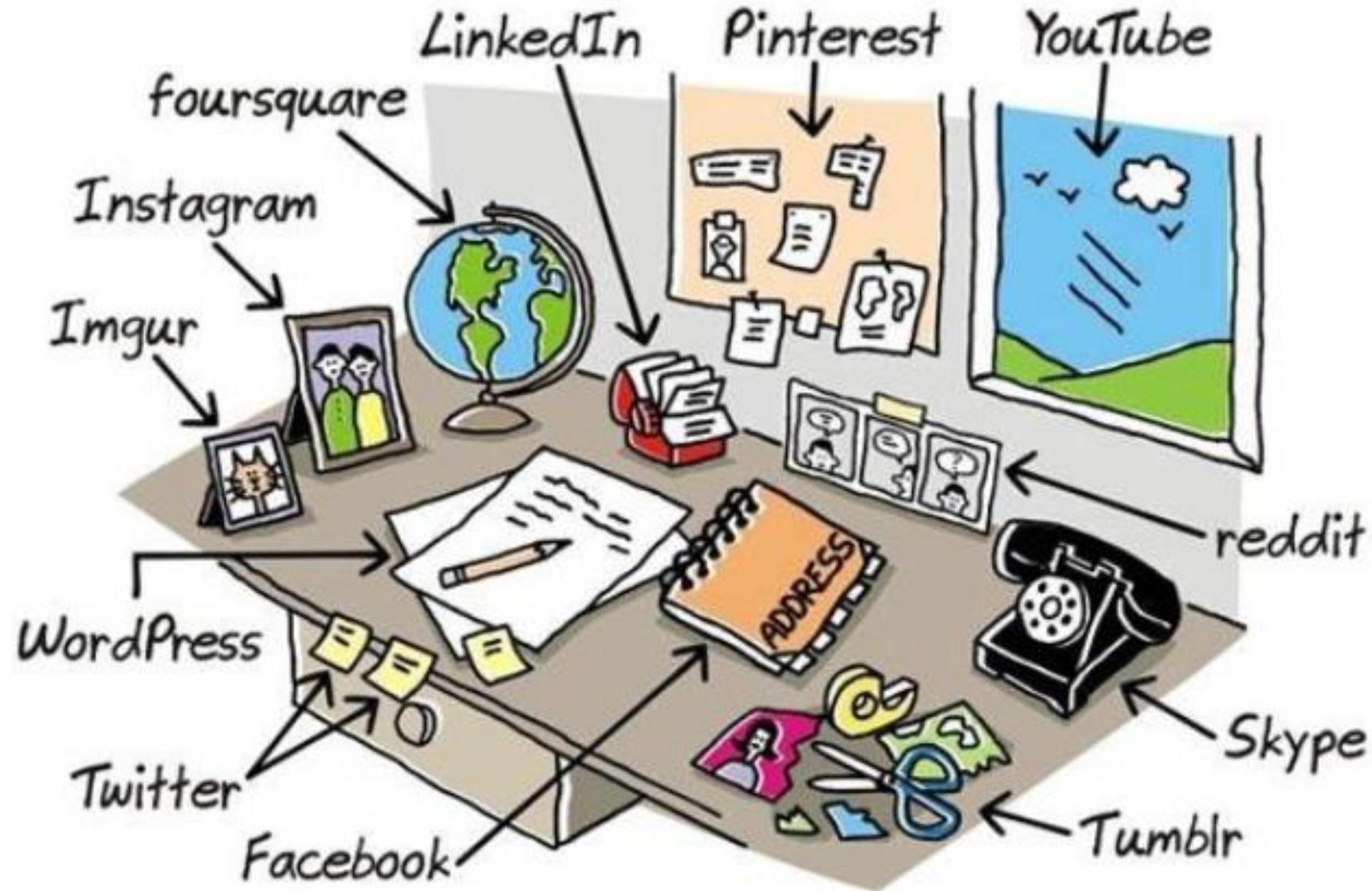


SOCIAL MEDIA LAW

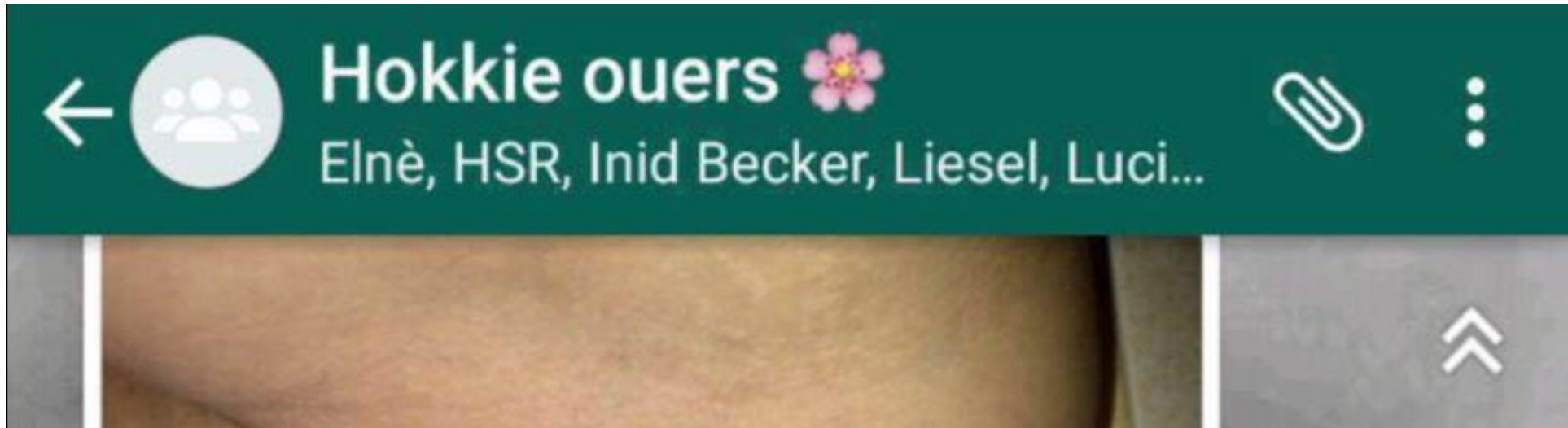
@EmmaSadleir

vintage social networking









Q marghare ✕ Cancel



margharet van wyk

Popular Search · 44,053 people talking about this



margharet v wyk

Popular Search · 14,994 people talking about this





▼ Economy

▼ Demographics

▼ Education

^ Famous people

- [Wynand Claassen](#), former [Springbok](#) rugby captain was born here.
- [Ahmed Kathrada](#) a South African politician
- [Elisabeth Eybers](#) – Poet
- [Irma Stern](#) – Artist
- [Essop Pahad](#), politician
- [Kenny Morolong](#), politician
- [Margaret Van Wyk](#), Socialite and flasher

▼ Sport

▼ See also

Hi Emma

Apologies for the message

I have a lady that has had a personal ad put on ads for africa with a naked photo of her, how do we go about solving this problem ?

Your help would be greatly appreciated.

Hi Emma , I need some advise PLEASE , as I've been blackmailed by someone on Facebook , that wants to post my naked pictures on Facebook without my permission , they want cash in return to not to post any of my pictures.. Can you please assist ?

Good day ,

I'm 21 years old and I been in a 15 month relationship. The guy I'm dating cheated on me and I have proof but his still lying. I told him it's over and he sent sexy pictures I sent for and to him to my mother , and he put one on whatsapp for a few mins to scare me . I have the most strictest parents and I don't know what to do I sent him a lot during our relationship and now he wants to put it on social media. He has been abusive before. What can I do about the pictures I haven't been sleeping , been crying so much . I need help . Please

Kind regards

Hi Emma

A good friend of mine in Bloem suggested I get in touch with you.

Last night my 13 year old daughter broke down and told us how she had fallen prey to a sexual predator via Instagram and Snapchat. This person had lured her in over the space of about a month, gained her trust and then asked her to send nude photos of herself. What now? We've blocked him, but not before he messaged her, obviously getting very angry and threatening her with sharing the photos to all her friends. How do we handle this? Is there anyone we can talk to? I'm trying to tell her she has to remember she is a victim here. Are there any support groups for kids her age? It might help if she could talk to other girls her age who had been through the same thing?

I look forward to hearing from you.

Regards

Good Morning Yesterday I found out that my ex has created a profile in my name on a sex chat site. What can I do to him.

My daughter is in trouble at school - her friend has send out pictures of her - how do I deal with this legally

As you specialise in social media law I very much would like your guidance if possible. On 3 October 2014 an unknown man took over my daughter's Facebook profile. He got in and changed the password for almost 24 hours. He somehow got onto/into her cellphone camera and posted semi-nude photos of her to some of her Facebook friends. We are unsure if he first got into her Facebook account where her cell no was on her profile, or if he hacked into her cell and then got into Facebook which we think where she was permanently logged in. It took 16 months for us to convince the police to arrest the guilty party. He was 24 years old at that stage, she 14. He harrassed her on Whatsapp asking for nude pictures of her. We do not know this person and neither does she. She also did not accept a friend request from him on Facebook. She deleted the majority of messages between them and only told us the next morning what was going on as she was trying to deal with this on her own. We do however have one of the last messages on 4 October where he asks if she has tried to log into her Facebook again. And then on 18 October 2014 he sent her a message saying he wants to talk and say sorry. We also have a protection order against him. The pictures he posted of her to her Facebook friends via Facebook message was taken in April/May 2014 by her as she was trying to see where her problem areas on her body is (she is overweight and has been for most of her life). If we knew she was doing this we would have told her to delete it. The guilty party, who lives in [REDACTED] admitted on 4 October to the investigating officer that he did it and that my daughter deserved it. He did not explain why or what and the policeman did not ask either. The guilty party also told the investigating officer in February 2016 when he was arrested that he did it and should not have. He appeared in court once and was released on R1000 bail. The next court date is tomorrow, 26 May, where we will find out if the case is going to trial. At the moment the only charge is extortion. The police officer who opened the case did not know what the charges should be and the station commander told me in a meeting later that they have never dealt with this type of case.

The same day, [REDACTED] put up a profile of me on Tumblr with naked photos - 16 of them and then photos of my face too. I only found out a month later when he decided to add my contact details to the page. but the dates of the photos were evident- on the 5th of april about three hours after his wife and i discussed what had happened.

i did not bother asking him to take it down, i sent his wife a message straight away (sunday) and she agreed that he said he would take it down but could only do it the next day at work. i demanded it be taken down that day and a couple minutes after the discussion it was taken down.

I feel as though my photos were displayed for over a month he got away without a slap on the wrist.

I have messages where he tells me i will regret telling his wife and he will make me pay for what i did.

If hundreds of people have seen and saved the photos this could easily be on the internet for the rest of my life and reoccur at any time.

One of our advocates at the Bloemfontein bar is being harassed via Twitter.

A person unknown to her has made a fake profile of her, by editing her face onto **naked** photos.

The Volksblad (our local paper) asked me to write an opinion on "what to do" but im not sure, seeing that she doesn't know who that person is.

Thank you for your time.

Kind Regards,

Good Afternoon Emma

I listen to your shows on 5FM on a regular basis and have taken your advice home and discussed it with my 18 year old son and 14 year old daughter, I have found your talk shows extremely interesting especially in this day and age where we are trying to raise responsible children. I have always felt confident that I have gotten this far with no incidents and speak very openly with my children about what is acceptable on social media and what is not.

I have just received a call from the school where my daughter goes to advising me to attend a meeting with the principle tomorrow morning as they have received a call from another school in the area advising them that there are **naked** pictures of my daughter been sent around the school. Both my children were called into the office, my son is Deputy Head Boy and they felt he should be involved with the discussion with my daughter. What they managed to find out is that my daughters Instagram account was hacked and her photos were photo shopped onto other photos for **naked** girls and sent around the school.

Do you have any advice for me, the school seem confident that they know who did this. I will be meeting with the principles from both schools in the morning and would like to know as a parent what course of action do I take against this child.

Kind Regards

Need help please !

05 June 2016 at 10:22 AM

All Mail

Hi Emma,

My name is [REDACTED] I thought and hoped after sitting in a few of your talks I would never have to send you this email.

Unfortunately I do.

Please we need some urgent advise on how to deal with a situation that we find ourselves in.

Our daughter has sent a picture of herself to a chap and it has gone around like wild fire.It is horrifying. She goes to [REDACTED] he goes to [REDACTED]

emma
SOCIAL MEDIA LAW
SADLEIR

Hello Emma,

I was invited to your talk at BBC because my friend thought I might find the information helpful.

Our son was involved in an incident which occurred at a school mate's house during a one night sleep over. This incident occurred sometime last year but it has only come to our attention in the last month. He's only recently revealed to us that his friend took a video of him while he was in the shower, when he realised that this was happening, he tried to cover himself. Once he came out of the shower, he realised that this friend had also video'd the other guest while he was in the shower but this other boy was wearing his under pants. My son tells us that he demanded that this video be deleted immediately. His host (school friend) appeared to delete it right there. A while later, one of the girls from the girls prep school approached him and notified him that she had seen a video of him **naked** in the shower. At this point my son says he approached this friend again and demanded that he delete the video of the social media app that this girl had seen it on. He tells me that when he looked to see this video, he noticed that 5 people had already viewed it. I'm not sure if he remembers the fact correctly but he thinks it was a Snapchat video. Sounds like this boy then did the same thing, he agreed to delete it right there.

Here's our problem. We were under the impression that this matter could be resolved by approaching the parents and asking if they could have all their devices searched by an expert to ensure that this video has been deleted completely and that there are no copies sitting in a drop box or the cloud. After numerous calls to the family we finally managed to set a meeting where the dad (mom did not attend) clearly had no idea whether their son even has a device, he also admitted to have no understanding of cloud backups and said that he would speak to his son, who was not at the meeting to get to the bottom of this. His son had at that stage denied having taken the video but implicated another guest to their house.

A few days later we finally got hold of the dad on the phone again and he mentioned that his son has admitted to having taken the video but the device that was used has been stolen or lost. We once again addressed the issue of automatic back systems and that their son had lied previously about having deleted the video and he instead uploaded it to social media. Our request was that they follow through by employing a specialist who would look at their son's social media activity and try to ascertain whether a copy is sitting somewhere.

Long story short, the family have basically told us to prove the existence of this video because, they believe that their son is being treated as a victim at this stage. Which sounds like they are now taking the position that their son did not take a video of our son **naked** at their home and that it is up to us to prove it. This has been a traumatic situation for our son and he's experiences a lot of bullying from the other boy at school but I trust that the school is keeping an eye on things. Our concern at the moment is over the possible existence of this video.

Hi Emma.

My name is [REDACTED] and I heard you over the radio and I was wondering if you would be able to give me some advice in my situation.

I have a huge problem because someone created a fake profile on WeChat with my pictures and my personal cell phone number on and some VERY explicit photos (not me) and ever since over 250 guys have messaged me in connection with that profile.

People are phoning me at 02:00AM and they've even phoned my work place.

This person has threatened me as well.

I've asked WeChat to delete or take the profile down but I've had absolutely NO response whatsoever.

What am I to do?

Please can you tell me what you think?

Kind regards.



Hi Emma yesterday some girl posted my face/phone number and name and surname of me. I don't know wat to do but I need your advice..do u have any advice or suggestions for me. I have already opened a case at the police station

This is what she did..they took it down after 40 mins after I called the guy. What do u suggest I do?!!



1. MOTIVE DOESN'T MATTER



4. NOT JUST NUDITY



Some laws only apply when a victim's "sexual parts" are exposed. Illinois' law recognizes victims can be deeply harmed by non-consensually distributed sexual images regardless of nudity. For instance, it can apply when the victim is depicted performing oral sex or has been ejaculated upon, even if "sexual parts" are not visible.

Prohibition against distribution of private sexual photographs and films

18F. No person may expose, through any electronic medium including the internet and social networking sites, a private sexual photograph or film if the disclosure is made -

(a) without the consent of an individual who appears in the photograph or film; and

(b) with the intention of causing that individual distress

Prohibition against distribution of private sexual photographs and films

(3) For the purposes of this section a photograph or film is “private” if it shows something that is not of a kind ordinarily seen in public.

(4) For the purposes of this section a photograph or film is “sexual” if such photograph or film -

(a) shows all or part of an individual’s exposed genitals or pubic area;

(b) shows something that a reasonable person would consider to be sexual because of its nature; or

(c) regarding its content, taken as a whole, is such that a reasonable person would consider it to be sexual.

Proposed Offence

- The non-consensual
 - creation, possession, solicitation, publication or distribution
 - of any image, however created, or any description of a person, real or simulated,
 - showing or describing the body, or parts of the body, of such person
 - in a manner or in circumstances which, within the context, violate or offend the sexual integrity or dignity of that person
- Deemed to be a “sexual offence” under the Sexual Offences Act
- No age limit

Films and Publications Act 1956

“child pornography” includes any image, however created, or any description of a person, real or simulated, who is or who is depicted, made to appear, look like, represented or described as being, under the age of 18 years—

- (a) engaged in sexual conduct;
- (b) participating in, or assisting another person to participate in, sexual conduct; or
- (c) showing or describing the body, or parts of the body, of such a person in a manner or in circumstances which, within context, amounts to sexual exploitation, or in such a manner that it is capable of being used for the purposes of sexual exploitation;

Statutory exception for children?

- Teddy Bear Clinic for Abused Children and Another v Minister of Justice and Constitutional Development and Another 2014 (2) SA 168 (CC)
- Consensual sexting between teenagers - in the form of written or photographic correspondence - commit an offence under the Films and Publication Act (18F and 24E)

Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007

'pornography' means any image, however created, or any description of a person, real or simulated, who is 18 years or older, of an explicit or sexual nature that is intended to stimulate erotic feelings, including any such image or description of such person-

- (a) engaged in an act that constitutes a sexual offence;
- (b) engaged in an act of sexual penetration;
- (c) engaged in an act of sexual violation;
- (d) engaged in an act of self-masturbation;
- (e) displaying the genital organs of such person in a state of arousal or stimulation;

Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007

- (f) unduly displaying the genital organs or anus of such person;
- (g) displaying any form of stimulation of a sexual nature of the female breasts;
- (h) engaged in sexually suggestive or lewd acts;
- (i) engaged in or as the subject of sadistic or masochistic acts of a sexual nature;
- (j) engaged in any conduct or activity characteristically associated with sexual intercourse; or
- (k) showing or describing the body, or parts of the body, of that person in a manner or in circumstances which, within the context, violate or offend the sexual integrity or dignity of that person or any other person or is capable of being used for the purposes of violating or offending the sexual integrity or dignity of that person or any other person;

Additional Protection

- Section 15A(1A): the compliance officer may-
 - (d) with the assistance of a member of the South African Police Services, seize any unclassified film, game or publication or any film, game or publication that does not comply with the requirements of the Act;
- Section 18E(1): Any person may complain to the Board about unclassified, prohibited content, or potential prohibited content, **in relation to services being offered online** by any person, including online distributors.

LEONIE WAGNER

A FREE State father's desperation to help his unruly teenage daughter has saddled the 17-year-old with a criminal conviction for manufacturing and distributing child porn.

The Grade 10 pupil found her morality on trial after she took a series of sexually explicit cellphone selfies and distributed them to a 42-year-old man with whom she had a relationship, as well as two teenage boys.

Now pregnant, the teenager was recently convicted and sentenced in the Welkom Magistrate's Court to three years' imprisonment. The sentence was suspended, but she might still have her name added to the national sex offenders register.

In February last year, the girl, who cannot be named, walked out of a church service she had attended with her family.

Her father confiscated her cellphone as punishment and found the explicit photographs and messages. He turned them over to the police.

During the subsequent court proceedings, the girl was described as lacking "moral worth".

Last month, nearly a year later, the girl entered into a plea

Dad turns in teen daughter to cops after naked selfies

Experts criticise sentencing of girl, 17, who was said to be lacking 'moral worth'

agreement. She pleaded guilty in exchange for a three-year suspended sentence. Her father had agreed to the plea deal, but he has since decided to have the Centre for Child Law intervene in the matter.

Carina du Toit, an attorney from the centre, said: "She clearly needs help. The conviction is not addressing any of the issues."

Pierre Booysen, the man to whom she had sent the pornographic selfies, was convicted of child sexual grooming and received a three-year suspended sentence. The court was aware that Booysen believed the teenager was 21 and that she had initiated the contact. In pre-

sentencing testimony, the court heard that she was not "an innocent or vulnerable child" and had no regard for authority.

"She is living the life of a reckless adult with no regard of the implications to herself or others," the court heard.

The sentence had to not only serve as a deterrent, but it had to be "a sword hanging over her head".

But Lisa Vetten, researcher at the Wits Institute for Social and Economic Research, said society could not reject children when they do not behave. She said the girl was a "survivor" and that sex was clearly "the currency in her life".

Although she had been cast in

court as a sexual predator, Vetten said, it was not constructive to criminalise her.

Adults could not control her and she was being punished be-

She clearly needs help. The conviction is not addressing the issues

cause they did not know what to do with her, said Vetten.

The teenager grew up with her black grandmother in Mpumalanga and had to fend for herself from an early age.

According to the social worker's assessment report, her mother, who was often drunk, "never had time to be with her daughter".

Last year, when her grandmother could no longer cope with her, she was sent to live with her father — a white farmer in the Free State.

She had last seen her father when she was a baby.

During her assessment, the girl told the social worker that she had a "problem with her parents" because she would be "blamed or labelled as disrespectful by her stepmother", who is cited in court papers as a woman of about 70.

The girl's father is struggling

financially, according to people in the community. He makes ends meet by selling his produce at a local farmers' market and his wife makes jam.

"It is clear from her behaviour towards adults in her life, as well as towards her peer group, that she does not consider herself to be an innocent or vulnerable child," said prosecutor Charmaine Labuschagne.

In her statement submitted to court, the girl said: "I know the difference between right and wrong. I know the difference between a truth or a lie."

She said she did not realise that what she did was against the law.

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