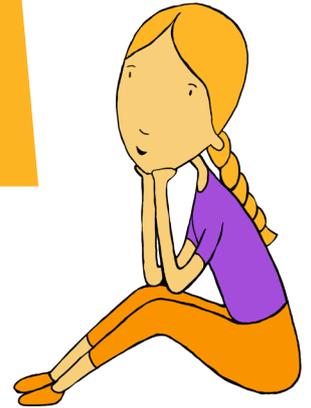




Sexting



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

What is ‘sexting’?

‘Sexting’, commonly known amongst young people as sharing a nude or a naked selfie, is the sharing of a sexually explicit picture or video via mobile phones, instant messaging apps, and/or social media sites. 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 have lost control of them. 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 and they can also be used as a form of black mail known as 'sextortion.'

What are the possible legal consequences of ‘sexting’?

A naked or sexually explicit picture or video of a person under the age of 18 years is by legal definition child exploitation material and the making, transmission and possession of such images can result in serious criminal charges.

To ensure that young people under the age of 18 years who engage in consensual ‘sexting’ are not treated at law the same way as a child sex offender, there have been amendments to the law in Victoria to protect young people from criminal charges in certain circumstances. These are:

1. There is no threat, fear, coercion, threat to share or sharing of the image.
2. Not more than two years age difference between the teens.
3. No adult involved.
4. No other criminal act is depicted in the image.

If these four things are present, it means that police can use an educative response rather than the criminal justice system.

Once a person turns 18, the exceptions listed above no longer apply, even if the person obtained the image when they were under 18 years of age. Penalties for the making, possessing and/or transmission of child exploitation material are very serious and can result in imprisonment and registration on the sex offenders register.

There are also two other offences related to this behavior: Distribute an Intimate Image and Threaten to Distribute an Intimate Image. These offences are applicable to everyone, not just young people. This is where an intimate image is shared or threatened to be shared without the consent of the person depicted in the image.

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 normalise the behaviour and promote the idea that sexual behaviour has no repercussions and many young people see it as a normal part of the flirting and dating process. We are now seeing this behaviour occur in primary schools. Unfortunately the reality is more complicated and young people often only become aware of this after the event.

In Australia we know that 1 in 3 young people aged 14 – 17 years have had some experience with sexting. Teens were also three times more likely to be asked for a nude than to actually send one. Over half of all these requests to send a nude came from someone the child/teen did not know in real life.

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. Let them know they can tell you about a friend's behaviour.

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?

- Take a deep breath and try to remain calm.
- Find a quiet place and talk to them about your concerns and allow them time to respond.
- Ascertain what has happened and who else may be involved. Who were the images sent to? Where are the images now? Who may have them? Were they pressured to send the pics?
- If posted to a social media site, report the images to the site for removal.
- Consider a report to the eSafety Commissioner via the Image Based Abuse Portal www.esafety.gov.au
- 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, notify the police immediately.