



Social Media Charter

Edition 1

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EXECUTIVE SUMMARY

Despite gains made since 1994 following the advent of democracy in South Africa, prejudice still abounds. There are instances of prejudice and harmful conduct that are increasingly being conveyed via social media platforms and such negative conduct is a threat to democracy in South Africa. The South African Human Rights Commission (Commission or SAHRC), through the publication of the Social Media Charter (Charter) aims to create awareness and suggest ways in which social media platforms can be used responsibly while being aware of the rights of the user and other persons. Social media platforms are unquestionably a powerful tool and therefore while freedoms such as expression are important, they should be exercised with respect for the rights of other persons. The Charter further focusses on children and the need to protect this vulnerable group, suggesting ways in which children can be protected, and how children themselves can exercise their rights responsibly while mindful of others' rights.

The Charter has been crafted in an easy-to-understand manner while taking into consideration the prevailing law in South Africa. The document can be read, understood and relied upon by non-lawyers alike.

The Charter sets out a guidance note for social media users explaining what is acceptable and unacceptable. Guidance notes are provided for issues such as – harmful expression, defamation, privacy, *crimen injuria*, harassment and bullying, image based violence, disinformation, misinformation, safety of children and cyber bullying. The Charter provides definitions and the steps a person can take if their rights or the rights of others are violated.

The recommended solutions will, if adhered to, help reduce the misuse of social media. Through the Charter, the Commission will carry out its obligation to educate on human rights and create strong, independent and capable citizens – thereby helping to strengthen a constitutional democracy.

The Charter is an important document especially as the use of social media is only likely to increase. It is intended to create mindfulness when social media platforms are being used. The Charter is a personal contract in which the individual can be empowered to help in the advancement of human rights.



A INTRODUCTION TO THE SOCIAL MEDIA CHARTER

SUMMARY

There is guidance of “dos” and “don’ts” for social media users. A number of grounds are explained and advice rendered on the options available to a person in case their rights are violated. Harmful expression is defined as contents that intentionally or unintentionally hurt others. When harmful expression happens; one can, for example, lodge a complaint or litigate in a court of law. Defamation is defined as posting content that negatively affects the reputation of others. There is defence if the publication is, for example, true and in the public interest. The defamed person may institute a civil action before a court of law. Privacy is defined as content that reveal personal details of a person and may include photos, videos, audio recording or data. In case of an infringement of privacy, you may contact a relevant entity such as the Information Regulator. Crimen injuria involves intentionally impairing the dignity of a person. A criminal charge can be laid by a person whose rights are impaired. Harassment and bullying are defined as a person acting in manner that will cause harm to another. Behaviour could include trolling, creating memes, sending unsolicited sexual material or content. An affected person may seek a protection order from a court of law. Image-based violence is defined generally as sharing of private sexual images and photos without prior consent of the individual in the publication. A victim may lay a criminal charge or seek a protection order. Disinformation is false, inaccurate or misleading information designed, presented and promoted online to intentionally cause public harm. A victim may provide the correct information or bring the matter to the attention of real411.org or even lay a charge.

In fulfilment of its constitutional and legislative mandate, the Commission hosted a National Hearing on Racism and Social Media (National Hearing on Racism). The SAHRC determined that despite South Africa’s significant gains in advancing the ideals of a non-racist democracy – racism, racial bias and racial discrimination expressed on social media platforms in South Africa are routine and pervasive. The SAHRC has also observed that various forms of prejudicial expression are increasingly being communicated via social media platforms.

Social media platforms provide a powerful mechanism through which the right to freedom of expression, access to information, the search for truth, and robust public debate can be fostered. However, the phenomena of racial bias and unfair discrimination on various grounds are still prevalent in society, and social media platforms provide a fertile breeding ground through which they manifest.

The digital revolution has introduced challenges that society could never have foreseen. The rise of social media has democratised communication, making it possible for every social media user to become a publisher of content. Sometimes this content infringes on the rights of other social media users, or even on the rights of persons who do not use social media. The line

between protecting the right to freedom of expression of social media users on the one hand, and the equality, dignity and privacy rights of other persons on the other hand, is often unclear. While the idea for a social media charter was birthed out of the National Hearing on Racism, it quickly became clear that guidance was required on a broader range of issues that impact on the constitutional rights of persons affected by the use of social media, in particular the rights to equality, dignity and privacy. In addition, certain forms of expression that do not amount to human rights violations may nevertheless be divisive and detract from social cohesion, thereby jeopardising the transformative vision of the Constitution of the Republic of South Africa, 1996 (Constitution).

Although this Charter is not intended to be a direct reflection of the way in which law regulates behaviour on social media, it is inspired by the spirit, purport and objects of the Constitution. This Charter also serves to reaffirm that constitutional rights are equally applicable in the digital world as they are in the material world, and that harms in the online realm can manifest as human rights violations. The SAHRC believes that the principles articulated in this Charter represent the best practices¹⁵

which will strike the right balance between the competing constitutional rights that all too often come into conflict with each other on social media platforms. Importantly, the SAHRC hopes that the Charter will advance social cohesion and catalyse a society united in its diversity as envisaged in the Constitution. In doing so, the SAHRC aims to advance its constitutionally entrenched mandate of strengthening a constitutional democracy.



B GENERAL GUIDANCE NOTE FOR SOCIAL MEDIA USERS

Be a good person. When in doubt, be kind.

Remember that it is “published” – Under South African law, once one other person has seen any content that you have uploaded to social media, it is considered to be “published content” and can therefore carry similar legal consequences as content that is published in a newspaper, on television or any other public platform.

You have the right to freedom of expression but that right shouldn’t be given greater importance than the human rights of others that your expression may harm – for example, someone else’s constitutional right to dignity, equality or privacy. Before you post something on social media, think about the impact that it could have on the rights of others.

Once it’s out there, it may be out there for good - Remember that the Internet never forgets – what you publish will be around for a long time, so reflect on and edit your content carefully before publishing it. If you feel even slightly uneasy about something you are about to publish, then you should carefully reflect before doing so.

Social media may distort context and tone – Humour, irony and sarcasm are often hard to understand without your facial expressions and gestures (even with emoticons and emojis) and can create misunderstandings. Consider what you say carefully and think about how it might be interpreted by the audience to which it is published.

Retweeting, sharing, liking or being tagged in content – Even if you did not create the content yourself, you could potentially be held responsible for content uploaded by other social media users that you share, retweet, or like, and sometimes as if you had published the content yourself. If you are tagged in unlawful content which is, for example, defamatory or racist, you should dissociate yourself from the content by untagging yourself or stating that you do not agree with it.

Promptly clarify statements that are misinterpreted – Even well-considered statements can create confusion and be misinterpreted. Always monitor the comments your posts may generate and clarify your statement if needed.

Be truthful and avoid misrepresentations – Do not say anything that is dishonest, inaccurate or misleading. If you have a vested interest in something you are discussing, point it out, and if you make a mistake, be up-front about the error and correct it quickly.

Don’t abuse emojis – Emojis can be helpful to give “tone” to digital content, and play an important role in facilitating digital communication. For example a laughing emoji can mean you are joking. But some emojis can be easily misinterpreted, especially as their meanings are highly contextually dependent. There have been legal cases that turn on what an emoji means, and how they have been misunderstood. There are some like this 🤔 or 🙄 that often don’t require explanation, but others like this 🙊 that can often be interpreted in different ways and generate confusion.



Don't think you can be anonymous online – even if you are using a fake or pseudonym account.

Remember the “billboard test” – if you wouldn't want the content on a giant billboard with your photo, name and surname and the name of your school or employer, don't put it on social media.

Be extra careful to avoid harming media freedom – The media plays a crucial role in our democracy because they keep the public informed and help us to hold the powerful to account. This helps ensure that government is open, responsive and accountable to the people, as required by the founding values of our Constitution. Media freedom is protected under section 16 of the Constitution. Social media has become one of the primary tools used by journalists to publish their work. However, it has also become a battle ground that is used by powerful interest groups to silence journalists who criticise them. In recent years there has been a growing trend, both locally and internationally, of powerful interest groups using social media to attack, bully and harass journalists. These attacks take many forms, including threats of physical harm, doxing, name calling and general trolling by supporters or campaigns of powerful individuals. The attacks are disproportionately targeted at female journalists and often include threats of gender-based violence. Attacks against journalists create an environment where they are less likely to publish important information and ideas that the public deserves to know and has a right to receive.

While members of the public have a right to criticise and disagree with work published by a journalist, name-calling, trolling, harassment, bullying, doxing and threats are not an acceptable way to engage with journalists (or any other person) on social media. If you are not happy with the information published by a journalist, stick to engaging them on the content of what they have published rather than personal attacks. If you believe that journalistic ethics have been breached, you can also consider lodging a complaint with the Press Ombudsman.



1 HARMFUL EXPRESSION

Freedom of expression lies at the heart of democracy and constitutes an indispensable element of a democratic society. The Constitution empowers everyone to speak their mind without fear of undue recrimination. When you share any content on social media, however, make sure that it does not include expression which could reasonably be understood to demonstrate a clear intention to be hurtful, harmful and promote or propagate against another person based on their race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, birth and HIV/AIDS status.

The above set of protected traits is not a closed list. You should also refrain from attacking or disparaging other people based on grounds that cause or perpetuate systemic disadvantage, undermine human dignity, or harm them in a serious manner that is comparable to discrimination on the basis of a protected trait.

Harmful expression can be in the form of direct statements, jokes, photos, videos, poems, songs, artwork, GIFs, memes, emojis, dramatisations, skits etc. Bear in mind that expression can cause harm, whether you intend for it to do so or not.

Some examples of the type of expression that is harmful are the following:

- Using derogatory terms against members on the basis of a protected trait (such as the “K” word) or slurs related to any protected characteristics
- Directly or indirectly comparing members of the protected group to animals or insects
- Directly or indirectly communicating harmful stereotypes about the protected group



- Implying or stating that people in the protected group
 - are not as valuable as other people
 - are inherently inferior to other people
 - do not deserve to have the same human rights as other people
 - are of lower intelligence than other people
 - do not have culture, history and language that are as sophisticated, important or well developed as other peoples' culture, history and language
 - do not have as good a work ethic as other people
 - have inherently bad morals and ethics
 - are inherently untrustworthy or evil
 - are more likely to engage in criminal behaviour than other people
 - are not as competent in a particular type of work
 - do not deserve the same opportunities as other people
 - do not have as much of a right to exist or occupy a particular space as other people
- Directly or indirectly encouraging people to shun, disassociate themselves from or otherwise discriminate against the protected group
- Directly or indirectly encouraging people not to provide the protected group with goods or services or to conduct business with them
- Directly or indirectly encouraging people to take violent action against the protected group or their property
- Directly or indirectly stating that people from the protected group should be removed from society or expelled from a particular area or community

Expression, including robust political speech, legitimate criticism and public debate, that is aimed at:

- protesting injustice;
- expressing social discontent;
- opposing political, social and economic issues; or
- expressing religious views;

is part of constitutionally protected expression. However, even such expression should be undertaken with due regard to the dignity and equality of other people. Bear in mind that constitutionally protected expression may be declared unlawful if it infringes on other protected rights in a manner that is not acceptable.

1.1 Harmful expression guidance note

South Africa's past is marred by inequality and discrimination. The remnants of this unequal and discriminatory past remain with us. It is one of the biggest challenges in our society. It is apparent that these challenges are also present in the way that social media users in South Africa communicate. While it is important to create space for free expression, it is equally important that our society finds ways to curb expression that contributes toward further entrenching divisions and inhibiting progress towards a transformed society that celebrates diversity and the richness of various cultures that constitute our country.

A starting point for deciding what kinds of statements may be harmful to other people is the right to equality that is protected in section 9 of the Constitution. The Constitutional Court has explained that “[a]t the heart of the prohibition of unfair discrimination is the recognition that under our Constitution all human beings, regardless of their position in society, must be accorded equal dignity. That dignity is impaired when a person is unfairly discriminated against.” (Hofmann v South African Airways 2001 (1) SA 1).



Section 9(3) of the Constitution and the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) list several aspects of a person's identity, social origins, physical traits and beliefs that should not be used as a basis for discrimination against them. For purposes of the Charter we will refer to these as "protected traits". However, there is also a need to guard against discrimination based on other grounds, such as those which causes or perpetuates systemic disadvantage or undermine human dignity. Therefore, the list of protected traits is a useful starting point, but it is not a closed list. The list of protected traits identified in the Charter has been compiled from section 9(3) of the Constitution and supplemented based on subsequent legislation, case law and the evolution of society.

The list of protected traits includes (but is not limited to) the following:

- Race
- Gender (the characteristics of women, men, girls and boys that are socially constructed. This includes norms, behaviours and roles associated with being a woman, man, girl or boy, as well as relationships with each other. The term is also used more broadly to denote a range of identities that do not correspond to ideas of male and female)
- Gender identity (a person's own inner sense of being either male or female, or both, or neither, or transgender)
- Gender expression (the way that a person expresses his or her gender or identity; for instance, through clothing, behaviours and social activities)
- Pregnancy
- Marital status (whether a person is married, divorced or has never been married)
- Ethnic or social origin (where a person comes from such as their nationality, geographic area in which they were born, ethnic group, migrant or refugee status, or their social class)
- Colour (the complexion of a person's skin)
- Sex refers to a person's biological status and is typically categorised as male, female or intersex
- Sexual orientation (the identity of a person in relation to the categories of persons to which they are attracted. In essence the emotional, romantic and sexual attraction of someone to the same sex or the opposite sex, both sexes or outside of the gender binary of male and female or none at all)
- Age
- Disability
- Religion, conscience or belief (this includes people who do not hold religious beliefs and extends to all moral, ethical and political convictions)
- Culture (the way of life practiced by a group of people, including their attitudes, values, beliefs, arts, sciences, habits and activities)
- Conscience
- Belief
- Language
- Birth (the circumstances of a person's birth, for example whether their parents were married or not)
- Health status relates to whether a person has a particular illness or not, for example being HIV positive

There are several reasons why the types of traits listed above have been identified for protection in our Constitution. Firstly, many of the protected traits are traits that people do not choose (for example race and ethnic origin); these are traits that people are born with and that form an unchangeable part of their identity as human beings. Secondly, many of the protected traits,

form a core part of every human being’s personal identity and shape deeply personal aspects of their lives (for example religion and conscience). Thirdly, many of the protected traits have been used in the past as a basis to unfairly discriminate against people and place them at a position of disadvantage (for example pregnancy and age).

Comments which attack or disparage people based on protected traits can be deeply harmful. Such comments are an assault on the dignity of the people who are made to feel that they are less worthy of full inclusion in society, that they are not as valuable, that they are not as worthy of respect and that they do not belong. In severe cases, harmful language can have an impact that is as serious as direct discrimination.

Our Constitution also protects the right to freedom of expression. In a country such as South Africa, where we have people from many different backgrounds and perspectives, it is especially important for people to be able to express their views freely. The Constitution protects every person’s right to disagree with others and to freely share their personal ideas, convictions, opinions and beliefs. Living in a democratic society, especially one with the difficult history we have in South Africa, means that there will be strong disagreements about issues which may be deeply important to different groups of people. However, our society’s commitment to equality and human dignity means that we have to find ways of expressing ourselves, and of disagreeing with one another, while acknowledging that the people with whom we disagree have equal value and worth as human beings.

Our Constitution takes into account the tension that can exist between freedom of expression and conflicting interests in society. It is for this reason that section 16(2) of the Constitution makes it clear that certain types of expression are not protected by the right to freedom of expression. The excluded types of expression are the following:

- Propaganda for war (encouraging, calling for or trying to influence people to start a war)
- Incitement of imminent violence (encouraging, calling for or trying to influence people to commit acts of violence)
- Advocacy of hatred that is based on race, ethnicity, gender or religion and that constitutes incitement to cause harm (this is generally known as hate speech)

The type of expression that is discouraged in this Charter is not limited to hate speech, although it includes expression that would be considered hate speech. This is because there are many types of expression that do not meet the definition of hate speech but are, nonetheless, severely harmful for reasons that have been explained above. The Commission believes that as a nation we must expand our collective commitment to expression that respects the dignity and equality of all other people beyond merely avoiding “hate speech” and that doing so is an important building block to building a more cohesive society.

The Charter recognises that the objective of social cohesion and avoiding harmful expression should not be used as a pretext to suppress legitimate expression of discontent in our society. Given the importance of freedom of expression – and particularly robust political expression – to facilitate debate and potentially challenge divisive statements as wrong, space must be left for controversial opinions to be aired in our relatively new democracy. It is also important that groups who have been subjected to injustice and discrimination or who feel oppressed and disempowered must have space to themselves, and express their hurt, pain and anger. Having regard to our recent past of thought control, censorship and enforced conformity to governmental theories, freedom of expression – the free and open exchange of ideas – is of paramount importance in our young democracy.





1.1.1 The responsibility of public figures

Public figures, including politicians, government officials, traditional leaders, religious leaders, prominent business leaders, civil society leaders, celebrities and other influential figures have greater responsibility when it comes to divisive expression.

Public figures have a significant ability to influence the public's perceptions, opinions and actions. This is because people look up to them as leaders and are therefore willing to take inspiration, direction, moral guidance or even instructions from them. Public figures often have greater reach on social media in the form of a large audience of followers.

Public figures should choose their words carefully at all times when discussing matters that touch on protected traits. They should bear in mind that they have the power to influence public opinions and that their followers may take action against members of a protected group based on their words, which may have unintended consequences. Public figures should also be mindful that their words have the ability to create an atmosphere of hostility and intolerance which could negatively affect the protected group.

Public figures should be careful about how they engage with content created by others on social media as the content may contain harmful prejudicial expression. This is particularly important because such content could receive greater publicity or legitimacy when shared or endorsed by a public figure. When a statement is being shared to critique such content, it should be clearly stated to avoid creating the impression that the prejudicial expression has been endorsed.

The Commission continues to urge public figures not to make statements that unjustifiably erode social cohesion and to use their influence to solve the problems that the nation faces while upholding and respecting the dignity and equality of all people.

1.2 Steps you can take in the event of harmful expression

If you have been at the receiving end of harmful expression and would like to take steps to protect your rights, you can consider doing the following:

- All reputable social media platforms have a set of rules for users and a mechanism to report certain categories of restricted expression on the platform. Platform rules often prohibit hate speech. Have a look at the rules applicable to the platform and report the user and/or the post using the Platform's internal mechanism.
- Most platforms also allow you to block another user from contacting you on the platform. You should consider doing so in order to prevent any further abusive communications.
- The Commission has the power to investigate and help you secure redress in situations where human rights have been violated. Anyone can lodge a complaint with the Commission on their own behalf, on behalf of another person or on behalf of an organisation. Complaints can be lodged online at www.sahrc.org.za
- You can approach the Equality Court. Equality courts are specialised courts designated to hear matters relating to unfair discrimination, hate speech and harassment in terms of the PEPUA. All Magistrates Courts and High Courts function as Equality Courts so you can approach your nearest Magistrates Court or High Court for assistance. You can lodge a case on your own behalf, on behalf of another person who cannot act on their own, on the basis that you are acting in the public interest or as an organisation acting on behalf of its members. You do not need a lawyer in order to lodge a case with the Equality Court and you do not have to pay a fee to lodge a case. When you go to court you should ask for the clerk of the Equality Court. The clerk will explain the process to you and assist you with the paperwork to initiate your claim. You can also request assistance from the Commission to lodge a case with the Equality Court. The Equality Court has the power to issue a range of different orders once it rules that your rights have been violated, for example it can order the offending party to apologise or pay damages.
- Under section 14 and section 15 of the Cybercrimes Act, a criminal charge can be laid against a person who sends or posts a message which incites or threatens:
 - The causing of any damage to property belonging to a person or a group of persons
 - Violence against a person or a group of persons
- Consulting with a lawyer, including at a pro bono clearing house, university law clinic, or civil society organisation to explore your further legal remedies to protect and advance your human rights.



2 DEFAMATION

Do not post content that will negatively affect the reputation of another person or organisation unless you can show that:

- The facts you are posting are true and sharing them benefits the public.
- You are sharing a comment that is your honestly-held opinion based on true facts that you clearly state or indicate, or are matters of public knowledge. The comment must also relate to a matter of public interest.

2.1 Defamation guidance note

The law of defamation protects every person from unjustified attacks on their reputation. The right to protect your reputation is part of your right to human dignity, which is guaranteed by section 10 of the Constitution.

Although organisations such as companies and non-governmental organisations (NGOs) do not have a constitutional right to human dignity, the law recognises their right to reputation because they can suffer harm to their personality and have legitimate interests in the protection of their reputations. This means that companies and other organisations (for example, political parties) can sue social media users for defamation.

Deceased individuals and public entities, for example government departments or state-owned enterprises, cannot sue for defamation. Such entities may, however, sue for damages they suffer as a result of statements made by persons who knew that they were false. The prohibition on the State suing for defamation does not extend to political parties, politicians, or members of the executive.

It is very common for social media users to discuss and comment on actions taken by famous or well-known people (for example, celebrities, sports stars, influencers, politicians, business leaders etc). While famous people have to expect that there will be a certain amount of public interest and discussion about their actions, they still have a right to reputation and privacy. Also bear in mind that constant negative public commentary which is targeted at a specific individual can be psychologically harmful, even if the individual/s is/are used to being in the limelight.

Whenever you refer to another person in a negative manner in a context which makes it possible for that person to be identified (for example, sub-tweeting) you should be mindful of the possibility that you may be defaming that person.

When posting any content ask yourself the following question:

Will the content I am about to post about this person or organisation cause the audience to think less of them?

If the answer is yes, the content is probably defamatory.

The law does not protect reputations that are undeserved. The Constitution also protects the right to freedom of expression (section 16 of the Constitution) which means that expressing negative views or exposing negative facts about another person is justifiable in some cases, in line with the principle set out above.

The Charter sets out the two justifications that are most likely to apply when you publish defamatory content using social media, for example, truth and public interest and fair comment. These are expanded upon below.

2.1.1 Truth and public interest

You are allowed to publish a defamatory factual allegation should the facts you are publishing be true. If you want to rely on this justification, you should be certain that you can show that what you are posting is true and accurate. Be careful if you are relying on allegations that you have not personally verified or if the evidence is not clear. In addition to the facts being true, the publication of the facts must also benefit the public, in other words, the publication must be in the public interest.



Public interest is not an easy idea to define. However, it must not be confused with information which is interesting to the public. Examples of the types of topics which may be in the public interest are:

- Conduct by government officials when they are performing their public duties such as incompetence, dishonesty, corruption etc.
- Misconduct by political parties and politicians which may influence people's decision to vote for them.
- Abuse of power by a person in a position of significant authority and influence, whether in the public or private sector.
- Revelations pertaining to conduct that poses a danger to the health or safety of the public.
- Revelation that a person has committed a crime (as concluded by a court of law).

2.1.2 Fair comment

You are allowed to share your opinions, even if your opinions are defamatory. Provided:

- What you say must be framed as an opinion and not a factual assertion.
- You must refer to the facts that inform your opinion in your statement. This is so that other people can consider the facts and decide whether they agree with your opinion. However, if you are commenting about an issue where the facts are widely known in the public domain, then you do not have to repeat the facts.
- The facts you are basing your opinion on must be true. This is because incorrect facts could lead to you, and others who read your opinion, drawing the wrong conclusions.
- The issue you are commenting on must be in the public interest.

2.1.3 Other justifications

There are a few other justifications that apply in far more narrow circumstances or are only available to the media. These have not been included in the Charter.

If you are in doubt about whether you have a valid justification for posting defamatory content, it is best not to post it until you are sure of the facts and your justification or have sought professional legal advice.

2.2 Steps you can take in the event of defamation

- Unfortunately, the rules applicable on most social media platforms do not directly prohibit defamation and it is generally difficult to get a defamatory post removed by reporting it to the platform. Nevertheless, you should always check the rules applicable to the platform on which the defamatory post was made to see if there is any rule under which you can report the defamatory post.
- You can lodge a civil claim against the offending party in court. If you succeed with your claim, the court can order the offending party to remove the defamatory post, make an order declaring that the defamatory statement made is false, make an order that the offending party cannot share similar content in the future, order an apology and/or payment of damages. You should consult an attorney for legal advice and assistance to lodge your claim.

3 PRIVACY

Do not post private content or personal information about another person without their consent.

Examples of private content and personal information include:

- Cell phone numbers, email addresses, home addresses
- Photographs and videos of a person that they have not made public
- Audio recordings of a private conversation
- Screenshots of direct private messages
- Financial information
- Health information
- Information about a person's intimate relationships, such as their interactions with romantic partners, sexual partners, friends or family members

3.1 Privacy regarding photos, videos, screenshots and audio recordings

Generally you should not share audio recordings involving others unless they reveal something illegal or you have the consent of the other parties.

You should only share screenshots of private conversations with other people if you have the permission of the person whose private conversation is to be shared.

If someone asks you to remove a photo or video of themselves from social media, you should do so immediately – unless it shows them doing something illegal and there is public benefit in the publication or they have no reasonable expectation of privacy in respect of the photo.

Do not identify (by name or otherwise) a victim or survivor of sexual violence without their prior consent. It is also important to note that there are special provisions that relate to children's privacy - these will be dealt with in more detail below.

3.2 Privacy guidance note

Everyone has the right to privacy. The right to privacy is protected under section 14 of the Constitution.

Given the nature of sharing that happens on social media, it can sometimes be easy to cross the line when it comes to privacy without realising it. Before you share any information about another person ask yourself these questions:

- Would the sharing of the information intrude into a person's private life or affairs?
- Is this the kind of content that an ordinary person would usually keep to themselves or share only with their circle of trusted people?
- Would the other person be uncomfortable sharing this information with the people who I am about to share it with (whether that is a closed group or a public platform), or would they potentially be upset about it?

If the answer to any of the above questions is yes, the content may be private. If the content is private, then you should not share it unless you have permission to do so.

The only time you may be able to share private information without consent is when sharing the information benefits the public. (For more on public interest, see the guidance note on defamation).





You can also share private information if the person to whom it relates has already made it public. However, you should always approach this with caution and carefully assess whether the person has actually made the information public or not. For example, if a person has an open social media account then the photos and information they share are public, but if they have a closed account then the content is not public because it has been restricted to a selected group of people. However, there may still be other legal restrictions on sharing the photos, for example, copyright.

Sharing private information without consent can cause serious psychological, emotional or other harm to the affected person. In recent years there has been an increase in “doxing” which is one of the most malicious forms of privacy breach on the internet.

“Doxing is the act of revealing identifying information about someone online, such as their real name, home address, workplace, phone, financial, and other personal information. That information is then circulated to the public — without the victim’s permission.” (Kapersky)

Doxing causes extreme distress to the person against whom it is directed and is often part of a targeted campaign where people online are encouraged to make contact with the affected person to voice their displeasure about something that the person has allegedly done. Doxing can lead to unintended consequences such as the person suffering physical harm if their home address or workplace is publicised and people decide to confront the person in person. Even if the person is not confronted physically, they are often subjected to a barrage of verbal abuse, threats, harassment, prank calls and an endless stream of electronic communication that makes it impossible for them, to for example, use their cell phone or email address.

Whilst social media can be a powerful tool to hold individuals accountable for their actions, doxing is not an acceptable accountability tool because of the extreme psychological distress that it can cause and the unintended consequences that may take place as a result of the person’s personal information being compromised.

It is also important to be aware that when you share personal information without consent you may be breaching the Protection of Personal Information Act (PPI).

It is important to remember that people do not lose their right to privacy when they become famous or well known (for example, celebrities, sports stars, influencers, politicians, business leaders etc). While famous people have to expect that there will be a certain amount of public interest in their lives, breaches of their privacy remain unlawful and can cause serious psychological and emotional harm to them. Always exercise caution when sharing private information about famous people. Even greater caution should be exercised when disclosing private information about people who may have become famous inadvertently, for example, people involved in newsworthy events that draw public attention.

Deceased people do not have a right to privacy. However, their family members have a right to privacy. Be mindful when posting content about a person who is deceased (for example, photos and videos of a dead person) that you may be infringing on their family's right to privacy (depending on the context) and that such images may also be harmful to the grieving family.

If you are in a position where you are required to disclose the personal information of an individual that could amount to doxing, publish only the least amount of information that you need to in order to prove your point. For example, there is rarely a good reason to reveal the identity of minor children when one of the parents are of interest.

3.3 Steps you can take in the event that your privacy is breached

If your privacy has been breached, you can consider doing the following:

- Most reputable social media platforms have a set of rules for users and a mechanism to report abuse of the platform. Most platform rules include some protection against breaches of privacy. Have a look at the rules applicable to the platform and report the user and/or the post.
- In some cases, the privacy breach that you have experienced may be a breach of the PPI, for example, if your contact details have been disclosed. You should consider lodging a complaint with the Information Regulator. You do not need legal assistance to lodge a complaint with the Information Regulator and you do not have to pay a fee. You can find more information and the Information Regulator's contact details at www.inforegulator.org.za
- You can lodge a civil claim against the offending party in court. If you succeed with your claim, the court can order the offending party to remove the private information and/or pay damages. You should consult an attorney for legal advice and assistance to lodge your claim.
- If someone has infringed your privacy by hacking, you can lay a criminal charge under section 3 of the Cybercrimes Act which criminalises the unlawful interception of data.
- If someone has your password without your permission, you can lay a criminal charge against them under section 7 of the Cybercrimes Act.
- Ultimately, when it comes to privacy prevention is better than cure. Ensure that your social media profiles' privacy settings are set to a level that you are comfortable with, and keep in mind your audience when posting content that contains personal information. Conduct an annual review of these settings on your profiles to ensure that they remain up to date as your circumstances change.



4 CRIMEN INJURIA

Do not post content which is degrading, humiliating or seriously insulting to another person.

Do not post content which could seriously impair the dignity of another person (for example, racism, homophobia, anti-Semitism, Islamophobia, doxing, cyber bullying) or their privacy because that person could lay a criminal charge of *crimen injuria* against you.

4.1 *Crimen injuria* guidance note

Crimen injuria is a criminal offence in South Africa. You may be committing this crime if you intentionally impair the dignity or privacy of another person. There have been prosecutions for *crimen injuria* arising from different types of incidents, including racism, Islamophobia, anti-Semitism, cyber bullying and verbal abuse.

Crimen injuria does not require publication to a third party. By way of example, there has been a prosecution where someone was called the “k” word in a direct text message.

4.2 Steps you can take in the event of *crimen injuria*

- If you have been the victim of a serious infringement of your dignity or privacy, you can lay a criminal charge of *crimen injuria* at a police station.





5 HARASSMENT AND BULLYING

Do not post bullying or harassing content aimed at another person which could cause that person mental, psychological, physical or economic harm (or a fear of that harm) or post content which could cause a hostile environment based on a protected trait.

Do not post content which amounts to sexual harassment of another person.

5.1 Harassment and bullying guidance note

Cyber bullying involves targeting a social media user in a way which results in mental, emotional, physical or economic harm (or a fear of being harmed). It is repeated behaviour, aimed at scaring, angering or shaming those who are targeted.

Cyber bullying often overlaps with harassment. Harassment occurs when a person acts in a way which they know, or ought to know, causes harm or inspires the reasonable belief that harm may be caused to a person. This includes mental, psychological, physical or economic harm.

Harassment online can take many forms, for example:

- trolling – which is deliberate provocation, upsetting and accosting of others online
- relentless unsolicited communication
- unsolicited sexual content or advances
- unjustified shaming
- creating fake accounts to impersonate the targeted person
- creating memes, manipulated images or fake videos to taunt or humiliate the targeted person
- sharing videos of bullying incidents (for example a video of a person being beaten up at school) which has the potential to further humiliate the targeted person. Videos of bullying incidents can, however, be used as evidence in legal and disciplinary proceedings.

Be aware that even if you use an anonymous account to harass another person on social media, there are legal mechanisms that can be used to reveal your identity.



5.2 Steps you can take in the event of harassment or bullying

- If you have been a victim of online harassment or cyber bullying, you may be able to obtain a protection order from a Magistrate's Court against the poster under the Protection from Harassment Act (PFHA). You do not need to be represented by a lawyer to apply for a protection order.
- If the court is satisfied that there is *prima facie* (basic) evidence of harassment, the court must issue an interim protection order which is effective as soon as the harasser has been notified of the protection order.
- The interim protection order will include a "return day" on which the court will hear evidence of the harassment and decide whether to issue a final protection order.
- A protection order (including an interim protection order) prohibits the harasser or bully from engaging in or attempting to engage in harassment, enlisting the help of another person to engage in harassment, or committing any other act as specified in the protection order. Any person who breaches a protection order commits a criminal offence which is punishable with a fine or a period of imprisonment not exceeding five years.
- A final protection order issued in terms of the PFHA remains in force for a period of five years.
- When the court grants you an interim or final protection order, it will also issue a suspended warrant of arrest for the harasser. This means that, if the harasser breaches the protection order, they can be arrested.
- Harassment is also prohibited under the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA).
- You can approach the Commission for assistance.
- If you are the victim of a cyber bullying campaign, you can make use of the block function to avoid further harassment and bullying.
- Many social media platforms maintain policies against coordinated harassment, cyber-bullying and hateful conduct, and posts that fall within these definitions can be reported to the platforms. Consider asking a friend or co-worker to assist in cases where the posts are of an especially triggering nature.





6 IMAGE-BASED VIOLENCE

Do not share private, intimate or sexual content about someone without the prior consent of the individual/s depicted. The content may be a description by words, a photograph, an audio recording, a video or a fake image or film which has been digitally manipulated.

Image-based violence (which includes deep fakes and the non-consensual distribution of private, sexual or intimate images) is a criminal offence.

6.1 Image-based violence guidance note

Any person who knowingly distributes private sexual photographs and films without the prior consent of an individual in the publication with the intention to cause them harm, or who discloses a real or simulated intimate image of another person without their consent, is guilty of a criminal offence.

If someone sends you a private sexual photograph by mistake, do not send it to anyone else.

Remember that every person who shares a private, sexual photo without the consent of the individual depicted can be prosecuted (not just the original publisher is prosecutable).

6.2 Steps you can take in the event of image-based violence

- If you have been the victim of image-based violence, you can lay a criminal charge at the police station. Possible charges include:
 - A criminal charge of *crimen injuria*
 - A criminal charge under section 24E of the Films and Publications Amendment Act which criminalises the distribution of private sexual photographs or films without the prior consent of the individual/s depicted or identified or identifiable in the photographs or films
 - A criminal charge under section 16 of the Cybercrimes Act which criminalises the unlawful, intentional disclosure of an “intimate image” without the consent of the person depicted in the image
- You can obtain a protection order under the Domestic Violence Amendment Act (if you were previously in a domestic relationship with the perpetrator) or under the PFHA (which does not require that there was a previous domestic relationship and even allows for a protection order to be issued against an anonymous person)
- Most social media platforms may have mechanisms through which to report intimate images being shared without consent.

7 DISINFORMATION AND/OR MISINFORMATION

Do not share information that you suspect may be false, or where you have not been able to determine that the source of the information is credible.

If a social media post elicits an immediate emotional response (such as outrage, fear, disgust or dismay), pause and reflect on the source and veracity of the content before considering sharing.

Be truthful and accurate on social media, and err on the side of caution when engaging with known peddlers of false information or anonymous social media accounts.

Steps to take before sharing information:

- Assume information received is false until proven otherwise
- Fact-check all posts, comments, and links by checking their source
- Be extra vigilant if the author of the post or comment is an anonymous account
- Use fact-checking websites (like The Real 411 and Africa Check) to verify information
- Check whether reputable news publications are reporting the story
- Consider whether the article or post evokes an overly emotional response - if yes, it may be disinformation and/or misinformation.

Sharing disinformation and/or misinformation can have serious and sometimes may have criminal consequences.

7.1 Disinformation and/or misinformation guidance note

Disinformation is false, inaccurate or misleading information designed, presented and promoted online to intentionally cause public harm.

For example, an unwitting family member sharing an advertisement promoting a herbal remedy on social media that can allegedly cure a terminal disease has no intention to do harm. Conversely, the company that manufactures and sells the product using the advertisement - based on false information - has the intention to cause financial or even physical harm.

In both cases, the information that is presented and promoted is false. The distinction vests in the intention of the person sharing the false information, and whether they intend its dissemination to cause harm.

The “harm” referred to in this context can be either private or public in nature. In the case of private harm, the disinformation can constitute harassment, *crimen injuria*, cyber bullying and other forms of online abuse targeting individuals or organisations.



Disinformation can cause public harm when it interferes with or infringes the public's right to make informed decisions about matters of public importance or matters of public interest. This in turn affects the public's right to participate fully and effectively in society.

Disinformation serves the purposes of individuals or organisations, and the information is designed to promote these interests. These can be either local or foreign bad actors, meaning that engaging or promoting such narratives could end up furthering the agendas of unscrupulous and even dangerous entities. To this end, the content of viral disinformation campaigns are often designed to evoke strong emotional responses to the content that "short-circuits" critical thinking, prompting users to share the content without considering it critically.

In certain circumstances the sharing of false information is particularly harmful, for example:

- False information regarding elections or undermining trust in democratic institutions
- False public health-related information, particularly during a public health crisis
- Fake or altered images/videos of individuals
- False information that mischaracterises and vilifies minority and/or vulnerable groups of people

7.2 Steps you can take in the event of disinformation and/or misinformation

- As a point of departure, first assess whether the false information warrants a response at all. In some cases, responding to a false narrative provides it with exactly the oxygen it needs to propagate.
- If a response is needed, communicate clearly around the false information while using as little of the original post, comment or false information as possible. Instead, focus on the correct, truthful information and setting the record straight.
- Social media platforms have reporting mechanisms in place to ensure that disinformation and/or misinformation can be reported for review. Always make use of these reporting mechanisms where you come across examples of disinformation and/or misinformation.
- Ensure that you are aware of the level of privacy settings attached to your social media accounts, and the amount of information visible to others. Conducting an annual check-up of your privacy settings is good practice, and could prevent old social media posts or photos being used in a targeted campaign.
- You can report digital disinformation to bodies like real411.org for adjudication by their Digital Complaints Committee (DCC). In order for the DCC to find a complaint to be harmful false information – or misinformation or disinformation – the following elements must be met:
 - The information must be false, inaccurate or misleading;
 - The information could reasonably be argued to cause public harm; and
 - There are no overarching public interest considerations in favour of the continued publication of the information, such as considerations of satire or parody.
- The DCC can make various findings, including referring the complaint to the Press Ombudsman, the SAHRC, the South African Police Service, the Equality Court or any other appropriate statutory body, court or tribunal for assistance. The DCC can also decide that a counter-narrative should be published.
- Some forms of disinformation and/or misinformation are criminalised (for example statements published during the COVID-19 pandemic with the intention to deceive about COVID-19 and fake images which constitute image-based violence) so you can, in some cases, lay a criminal charge at the police station.



C CHILDREN'S CHARTER

SUMMARY

The Charter provides guidance to children, parents and guardians on the use of social media and what to do when an infringement occurs. The need to protect children is emphasised further in the Children's Charter to ensure that their privacy, dignity and safety online and offline are protected. Particular care has to be exercised on availing children's photographs online. For example, workplaces should not reveal children's faces in an effort to protect their identity. Identification of children should be shunned. Parents and guardians should understand the social media that their child uses and have open discussions with their children about social media. Protection of children online against sexual abuse and exploitation is discussed with a view of protecting children. In cases of violation, a matter can be reported to the Commission for further action. Cyber bullying is explained and includes sending, sharing, posting untrue and negative information or threatening a child. Ways of dealing with cyber bullying can include blocking the bully and reporting the matter to relevant authorities, including the Commission, for further action. Responsibilities are also placed on children in terms of accessing age appropriate materials. Children should not post negative material meant to hurt others. General guidance for use of social media is provided to children, parents and guardians.



1 GUIDANCE FOR PARENTS AND GUARDIANS

In terms of the Constitution, a child is defined as a person below the age of 18 years.

Children's rights enjoy the same recognition online as they do in the material world.

Our Constitution and our laws recognise the evolving capacities of children, provide children with special protection, and require that a child's best interests are of paramount importance in every matter concerning the child. Therefore, special weight must be afforded to the privacy, dignity and safety of children both on and offline. Children's rights to access information, freedom of expression, and opportunities to learn, play, and participate in the online realm are equally important and must be respected.

The right to privacy is even more pressing when dealing with children. Privacy is essential for children's agency, dignity, and safety online. It is therefore important to exercise additional caution when considering sharing pictures or information about children online. You should be particularly careful in so far as sharing photos of children on social media because the photos may remain available permanently and create a permanent public record of a child's life and the child will not have consented to such public record. A child's digital footprint can develop well before they are active digital citizens, through the online activities of parents, caregivers and families. Before sharing pictures of other people's children, ask the parents or guardians if they are happy for you to post the pictures. If you upload a picture of someone else's child without their consent and they ask you to delete the picture, you must delete it. The face of the child should ideally never be shown so that they are not easily identifiable.

1.1 Use of children's photos in the workplace

Children should not be identified and the use of children's portraits in the workplace should be shunned. For example, children's faces should not be placed in reports as these reports get published in digital form and shared in digital form. The photos of children in these mediums may be abused when accessed by people such as paedophiles or sold to persons who may abuse the children. Stock photographs should be used with care because when a parent/guardian sells children photos or gives permission for such images to be used by marketing companies there are dangers that publishing of a child's image may entail and therefore care must be taken to protect children beforehand.

Identifying a child (by name or in another manner), is not allowed if:

- a child is involved in legal proceedings;
- a child has been a victim or survivor of abuse or exploitation;
- a child is a victim, survivor, or witness in a criminal case;
- a child is in the care system.

Take time to understand the social media platforms your child is using, understand the age restrictions, how the site works and what the terms and conditions are. Help your children understand these as well. Learning about the safety features on social media platforms can also be helpful.

Create a safe space to have discussions with your child about social media, and agree on boundaries and screen time. Talk to your child about who they are talking to, and how to tell the difference between things that may be true and those that may be untrue.





Learn with your child and find useful resources and programmes that can help you and your child navigate social media in a safe, healthy and empowering way.

You have a legal obligation to report instances of any online sexual offence against a child that you know about or reasonably believe or suspect to have been committed. If you fail to report such knowledge, reasonable belief or suspicion to a police official, then you are guilty of an offence.

2 CHILDREN'S SAFETY ONLINE

Children's safety online is very important. Content should not be posted on social media if it could cause harm of any kind to a child. Content that "names or shames" a child, causes any harm to a child, or violates a child's right is not in the best interest of the child and must not be shared online.

Online child sexual abuse and exploitation is a significant and growing threat to children's online safety and is illegal. It can have a destructive impact on children's physical and mental health, with far-reaching consequences that can extend into adulthood. Online sexual exploitation involves the use of online tools or online spaces to sexually abuse and/or exploit children. It may involve using emotional and psychological abuse to manipulate children into doing something sexual. This includes grooming, sending sexually explicit material, blackmailing a child to send private or sexual photos or videos, sexual extortion and coercion, and flashing over a webcam. It may be once or persistent and may include threats of harm or disclosing personal information. Creating, accessing, or distributing child sexual abuse material, or exposing a child to any pornography is a criminal offence.

If you, your friend, or a child you care for has experienced online sexual abuse or exploitation, there are various legal options to consider, but reporting to the police is an important step to take early on. You can call, email, or visit your nearest police station to report the abuse. You can also reach out to the Department of Social Development, Childline, and the Film and Publications Board. It is important to note that our laws require any person who has knowledge that a sexual offence has been committed against a child must report this to the police. Failing to report is an offence.

Children must be protected against online harm, not only because they are vulnerable, but because they need safe spaces to develop and participate in society. While children's online safety is crucial there are other rights that must also be respected, protected, and promoted while children are on social media. Online spaces, including social media, can provide unique opportunities for children to realise the rights to access information and freedom of expression. They can learn, play, form opinions and participate in decisions that affect them. In order for their full range of rights to be realised online, children must receive the support and assistance that is necessary for their positive growth and development, this includes equipping them with the necessary digital literacy skills to enable them to navigate the online world. Children can be assisted, supported, and empowered to use social media responsibly, and gain critical skills in accessing the positive opportunities of the online world, as well as understanding issues around online safety.

Above all else, the guiding principle where children are concerned is that you must always act in the best interests of the child.

2.1 Steps a child/parent/guardian should take in the event of a child's rights violation occurring online

If a child's rights have been violated online, the child or parent or guardian should consult an attorney for legal advice and assistance in instituting legal action to protect the child's rights. The matter can also be brought to the attention of organisations such as the Commission for further assistance. The Commission has child friendly environment and staff members are trained on how to handle complaints from children.



3 CYBER BULLYING

Cyber bullying poses a serious threat to children's online safety. Sending, sharing, or posting harmful, hurtful, negative, mean, or untrue content about a child, including sharing personal or embarrassing information is cyber bullying. Cyber bullying may also include sending abusive or threatening messages or creating a fake online account or profile of a child and sharing content on that account that is mean, embarrassing, or harmful. Cyber bullying can happen on social media, through messaging apps and on gaming platforms. It can have a negative impact on the dignity, privacy, and wellbeing of the child, and can have a long-term negative impact on a child's growth and development.

Sharing videos of bullying can also be very hurtful and harmful. It may cause secondary harm or trauma to a child if other people see the video, or if the video goes viral. It can cause feelings of embarrassment or shame, it may make a child feel scared or unsafe, and may lead to further cyber bullying. It can have a serious impact on the safety and well-being of the child. It is also important to remember that sharing videos of children involving an assault or a crime is not allowed in terms of our law.

3.1 Steps a child/parent/guardian should take in the event of cyber bullying

If a child is being bullied online, the child can:

- Tell an adult that you trust
- Take screenshots of the hurtful content
- Block the bully
- Report the content to the online platform
- Bring the matter to the attention of the Commission for further handling

The child can also speak to a trusted adult about laying criminal charges or applying for a protection order under the PFHA.

The child should not reply to negative messages or content that makes the child feel unsafe or sad.





4 CHILDREN'S RESPONSIBILITY ONLINE

Children have rights and responsibilities when using social media.

This Charter applies to children and their conduct on social media, but there are two additional points to note, specific to children:

- (1) Age restrictions: Access to appropriate and relevant content that is in accordance with a child's developing capacities is necessary in order for children to use and enjoy online spaces. Therefore, respecting age restrictions and restrictions on certain content can be important, particularly when content may be inappropriate or harmful.
- (2) Some activities are forbidden: Certain conduct and activities on social media may get children in trouble. Some activities on social media may be criminal offences and it is possible for a child above the age of 12 years old to be held criminally responsible. A child who is 12 years or older but under the age of 14 years and who commits an offence is presumed to lack criminal capacity (which means that a child cannot be held criminally responsible), unless the State proves that he or she has criminal capacity. A child is presumed to have full criminal capacity from the age of 14 years old. Cyber bullying, harassment, circulating leaked exam papers, sharing private or sexual pictures of another child, exposing another child to sexually explicit material, creating deep fakes to cause harm, and sending threatening messages to another child are some examples of conduct that could amount to a criminal offence.

4.1 Steps that a child should take to make responsible decisions about what they post on social media:

- Think about whether or not the post is positive or negative.
- Positive posts are posts that are not mean to and about another person, are true, and do not encourage violence or harm.
- Negative posts are those that are harmful, may cause harm, are embarrassing, untrue or hurtful. They may also be negative if they show someone's personal information. Posts that contain illegal content such as hate speech or sexually explicit material are also negative posts.
- If the post is positive, go ahead and post.
- If the post is negative, do not post.
- If in doubt do not post.

5 GENERAL GUIDANCE FOR CHILDREN/PARENTS/GUARDIANS

- Children should be treated and treat others with dignity and respect on social media.
- Children must promote values of kindness, integrity and inclusivity on social media.
- Children must contribute to the safety of the online space.
- Children must not place the safety of another child or person at risk.
- Children must not cause another child or person to feel unsafe when online.
- Children as young as 6 years of age have access to electronic gadgets and should be educated about use of electronic gadgets and use of online information.
- The Films and Publication Board can be contacted for more information on the protection of children in matters such as access to age inappropriate content and the unlawful exposure of children to pornography or child pornography.

In order for a child to safely use and enjoy social media, there are guidelines that a child can follow to enjoy social media. These can be:

- Be kind, truthful, and respectful.
- Protect your privacy online. Do not post your full name, date of birth, address, contact details or location, and do not share these details with people you do not know. Turning off location tags on all platforms can help protect your privacy. Keep your social media accounts private so that you can control who has access to your profile, posts, and photos. Keep your passwords and login details to yourself.
- Get consent from friends, classmates, or family if you are thinking of sharing photos of them that may be embarrassing, or they may not want online.
- If you have posted a photo of someone else or content about someone else, and they ask you to remove it, you need to do so straight away.
- There are dangerous and harmful people online who may ask you to share pictures or videos of yourself with them and they may ask for pictures of you that are sexual or intimate. It is against the law for them to ask you to do this. Do not send them pictures or videos of yourself. Reach out to a trusted adult if this happens.
- When sharing videos or images with other children, be very careful of sharing images or videos of yourself that are sexual or intimate, even if it is with your friends or someone who is in a relationship with you. Once you share the image or video you are no longer in control of it. Other people may end up seeing it, having access to it, and may share it with even more people. Think about who may see the content and how this would make you feel. There may also be legal implications for sharing this content.
- Speak to a trusted adult if anything happens on social media, or you experience something that makes you sad, scared, hurt, or uncomfortable.
- Disinformation can be harmful, avoid forwarding content if you do not know if it is true. Use available resources to find out if something is true or not.
- Sometimes, people online pretend to be someone they're not. Even if you have an overlap in friends, or your friends introduce you to someone online, always be careful in establishing that they are who they say they are. A reverse image search of the profile picture can be helpful.
- You do not have to reply to or engage with anyone who sends you a negative message, or any content that hurts your feelings or makes you feel unsafe or uncomfortable.
- Other social media users may have different views and opinions. It is important to be respectful of others' views and not silence people because they may think differently. Everyone has the right to freedom of expression and conscience.

[P]ublic speech that expresses hate or encourages violence towards a person or group based on something such as race, religion, sex, or sexual orientation" (Cambridge Dictionary)



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