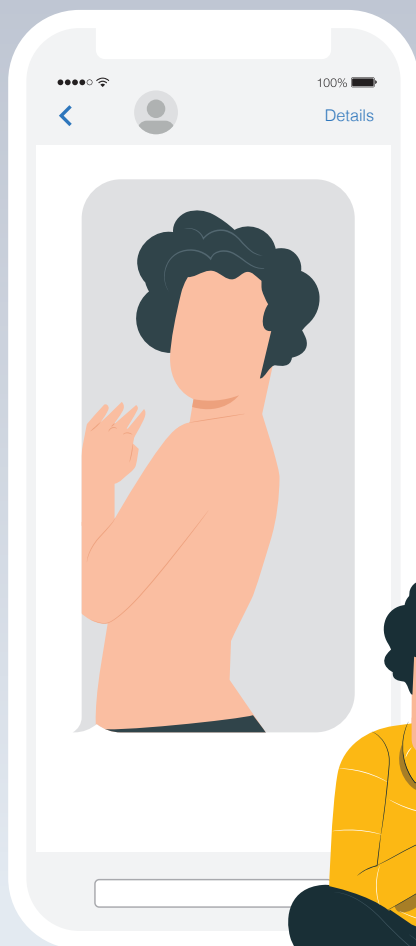


Naked on the net?

ALL YOU NEED TO KNOW ABOUT SEXTING!



GUIDE



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère de l'éducation nationale,
de l'enfance et de la jeunesse
Service national de la jeunesse



Parquet de Luxembourg
Service protection de la jeunesse
et affaires familiales



SCRIPT
Service de Coopération de la Recherche
et des Technologies en Intelligence



Did you send an intimate photo or video to someone who shared it without your permission?

Learn how to deal with the situation and its possible consequences by taking immediate action with this guide.

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What is sexting?

Sexting means **sending and exchanging intimate messages, selfies or amateur videos**. These are usually sent via messaging services or social networks.

There are various reasons behind sexting. It can, for example, be considered as a proof of love or trust, a source of mutual excitement, a test of courage or flirtation.



Important note:

Even if an image/video is deleted shortly after it has been uploaded, **it may already have been copied hundreds of times** and published on other websites or shared in group chats.

Sexting involves various risks (e.g. blackmail, image degradation, cyberbullying).

The production, distribution or possession of nude photos (or similar) of a minor is PROHIBITED by law. Taking and sending your own photos when you are a minor already meets the condition of a "pornographic representation involving or presenting minors" according to the Criminal Code.

Breathe in. Breathe out.

If you notice that intimate content about you is circulating on the Internet, you can be flooded by emotions. Stress, fear, anger, sadness, disappointment, shame, despair. You may feel really hurt that someone you trusted betrayed you.

Take deep breaths...in...and out. Even if you've lost control over sharing your videos or photos, don't worry – there's hope!



Tell people you trust

If one of your friends or relatives needed you because they had been offended or were being blackmailed on the Internet, you would want to lend a hand, right? This is also what these people, would want to do if you were having a hard time.

Give them a chance to help and support you.

The following free, anonymous and confidential **helplines** are also a good starting point to find the right kind of help:



You can also **talk to experienced counsellors**, in complete confidentiality, to get the help you need:

The SePAS in your school



Service psycho-social et d'accompagnement scolaires

The CePAS in Luxembourg City



Centre psycho-social et d'accompagnement scolaires



Your family has a responsibility to help you understand and exercise your rights and to make sure they are respected. *(Article 5 of the International Convention on the Rights of the Child)*

Be active

Sometimes, it is enough to inform the person immediately, gently but firmly, that they are violating your image rights and that they must therefore remove the image.

If that's not enough, you should in any case:

1. **gather** evidence (with screenshots, for example)
2. **delete** intimate content yourself (from the conversation, from your smartphone, from the cloud, etc.)
3. **report** intimate content to the webmaster
4. **avoid** direct answers
5. **block** the contact



You have the right to privacy and the protection of your private life.
(Article 16 of the International Convention on the Rights of the Child)

Don't forget:

Everyone is valuable – YOU TOO. Everything's going to be all right!



Find out about the laws

The term “sexting” cannot be found as such in Luxembourg law. But it doesn’t mean there can’t be legal consequences!

Producing, possessing, sending, forwarding or requesting sexualized images of young people under 18 (minors) is a breach of law. By their behaviour, the perpetrator violates one or more laws:

- **The production, possession and dissemination of pornographic or violent content related to minors** (*Articles 383, 383bis, 383ter and 384 of the Criminal Code*)

Such actions are punishable if these contents can be seen by minors or if they are directly transmitted to them. (*Article 383*)

The participation of a minor, or a particularly vulnerable person, aggravates the penalty. (*Article 383bis*)

- **Harassment and stalking** (*Article 442-2*)

Both terms mean being subjected to repeated insults, pressure or demands that can seriously harm the victim’s peace of mind, while the perpetrator is, or should be, aware of this.

- **Insults** (*Article 448*)

An insult is an expression that is contemptuous or ill-intentioned towards a person, whether by an act, (oral or written) words, a graphic representation or an emblem.

- **Cybercrime** (*Article 231 bis*)

Anyone who uses a pseudonym or false identity to damage someone else’s reputation or honour, or to undermine their peace of mind, is liable to prosecution.

- **Violation of privacy/publication of personal data** (*Law of 11 August 1982*)

Audio and visual recordings without the prior authorisation of the concerned person infringe the right to privacy. This also applies to the publication and use of such data.

- **Sextortion**

Blackmail (*Article 470*)

- **Grooming** (*Article 385-2*)

It is the act by which an adult comes into contact with a minor under the age of sixteen to make a sexual advance, whether it involves direct contact or electronic means of communication posing as a minor. The penalty is aggravated when the advances are followed by a meeting.



What happens when minors are involved?

In principle, when these acts are perpetrated by a young person under 18, the acts do not fall within the jurisdiction of the criminal courts, but within the jurisdiction of the Youth Court.

Be aware that if you take sexualized photos or videos of yourself and send or share them, even as a minor, you are also liable to a penalty.

But don't be discouraged if something unfair comes your way. Press charges. You will be informed of the facts and the police will do everything they can to help you.



You have the right to speak out yourself or through an intermediary, to be listened to and taken seriously in any situation that concerns you, particularly in administrative and legal proceedings. (*Article 12 of the International Convention on the Rights of the Child*)



You can press charges

You can press charges anytime. If you're a minor, you must be accompanied by your legal guardian (mother, father, tutor...) to file a complaint. Provide evidence (audio or text conversations, pictures or videos) to further support your complaint. It's best to have your smartphone on hand.

If no one knows what you're going through:

- the police and the prosecution can't intervene.
- the perpetrators remain unsuspected and unpunished.

What exactly do you need to do when you go to the police?

- Make sure you have a legal guardian with you.
- Bring your ID.
- Provide all the evidence you have.
- If possible, name witnesses and possibly their address or telephone number.
- To feel more comfortable, you can ask to speak to a police officer of the same sex as you.
- Make sure you know the name of the officer you met and the number of the police report before you leave the police station.

What happens to your statements?

- They are written up in detail by a police officer and signed by you and the police officer.
- The witnesses and the perpetrator(s) are then summoned by the police to be questioned about the facts you have reported.
- Once the investigation is completed, the full complaint is forwarded to the Public Prosecutor's Office.



Service Prévention
police.lu/prevention



You have the same rights as all other children, including the right to be treated equally, no matter where you live, whether you are a boy or a girl, poor or rich, disabled or not, and regardless of your language, religion, culture or nationality. (*Article 2 of the International Convention on the Rights of the Child*)

Moving forward

With a bit of luck, the shared intimate content will soon be forgotten. If someone mentions it, the best thing to do is to be sincere and admit what happened.

Here are some sentences you can use to close the discussion:

« Now, if I receive an intimate photo/video, I delete it right away. I wouldn't wish what I've been through on anyone. »

« It's in the past, I don't want to talk about it anymore. »

« Look, I learned from a bad experience and realised the possible consequences of my actions. Now I think twice before I do something. »



If you still think about it and it overwhelms you, don't handle it on your own. Talk to someone you trust. Also remember that you can always find support from professionals such as:



More information and advice on:

**bee-secure.lu/sexting
bee-secure.lu
childnet.com
ork.lu/index.php/en**



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en Europe de l'Union européenne

En partenariat avec :



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