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# Protecting children from cyberbullying: A South African perspective

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**Abstract:** The use of technology has rapidly increased and has become an integral part of everyday life in all corners of the world. In the same vein, digital literacy has become a centre of much importance for children, young people, and adults. The benefits that the internet provides specifically for children cannot be ignored. Children enjoy game applications, cross-cultural interactions, educational, and social support. However, these benefits cannot hide the fact that there are several risks associated with technology. The internet has resulted in a new criminal phenomenon, such as cyberbullying, defamation, hate speech, racist connotations, and many other illegal activities. Cyberbullying is prevalent on social media platforms such as Facebook, Twitter, Instagram, TikTok, and other gamification platforms.

This paper focuses on cyberbullying, which is an online abuse that also affects children. It is submitted that in South Africa, bullying of young children has drastically increased. They receive upsetting messages and posts of unflattering messages. Since these activities can be seen as aspects of childhood, it is important to note their negative effect, especially in violating fundamental constitutional rights. Cyberbullying can be described as the use of technologies (internet, mobile phones, or online games) by an individual or a group of people to deliberately or repeatedly spite someone else. This cyberbullying phenomenon harms children as it leads to depression, low self-esteem, social anxiety, and suicidal tendencies, which is a form of abuse. Looking at these devastating consequences, there is a need for a legal think tank to come up with an effective solution to deal with cyberbullying in South Africa.

This paper argues that preventing children from cyberbullying does not only lie in the implementation of specific legislation but also in the application of anti-cyberbullying guidelines for the conditions in which children find themselves.

The research will be desktop-based, considering both primary and secondary sources of law. In embarking on this study, the researchers intend to contribute to curbing child online abuse. The findings will be beneficial to academics, policy makers, legislators, and professionals in the realm of cyberbullying.

Amongst others, the study recommends the infusion of anti-bullying education into the basic education curriculum. The launch of public awareness campaigns aimed at preventing cyberbullying. There is also a need to provide mental health support to the victims to deal with victimisation, pain, and suffering. Additionally, there is a need for collaboration between policymakers and the generators of social media platforms to work hand in glove to handle, report, and block cyber content before dissemination.

**Keywords:** cyberbullying anxiety, suicide, children, social media

### **Background on the rise of technology and digital literacy**

The rapid advancement of technology has transformed the way people communicate, learn, and interact in everyday life. Digital tools and platforms are no longer a luxury but an integral part of modern society, shaping social interaction, education, commerce, and governance. For children and young people in particular, technology provides opportunities for creativity, entertainment, and learning. Digital literacy, the ability to access, understand, and use technology responsibly, has therefore become an essential skill for participation in the digital age. With internet penetration and mobile access steadily increasing in South Africa and globally, children are exposed to online spaces earlier and more frequently than any previous generation.

Moreover, the internet provides numerous benefits for children that cannot be overlooked. Through online educational resources, children gain access to knowledge that enhances classroom learning and fosters independent research. Social media platforms and gaming applications enable cultural exchange, social connection, and support networks that extend beyond geographic boundaries. For many children, technology promotes creativity through content creation and interactive learning tools. Moreover, online spaces provide opportunities for children to develop critical twenty-first-century skills, such as problem-solving, collaboration, and adaptability, which are essential for their future academic and professional development.

### **Problem statement: the risks of cyberbullying and online abuse**

Despite these significant benefits, the internet has also become a platform for new forms of harm. Among the most concerning is cyberbullying, which has emerged as a prevalent phenomenon in South Africa and globally. Unlike traditional forms of bullying, cyberbullying is amplified by the speed, reach, and permanence of digital content. Children are increasingly exposed to harmful practices such as online harassment, the sharing of humiliating or false information, hate speech, and other abusive behaviours. In South Africa, the problem has reached alarming levels, with reports of children receiving offensive messages, derogatory comments, or harmful posts that violate their dignity and cause long-lasting psychological harm. While some may dismiss these experiences as part of childhood interactions, the effects are severe and may include depression, anxiety, social withdrawal, and even suicidal tendencies. Cyberbullying thus represents both a social and legal problem that directly infringes on the constitutional rights of children, including their rights to dignity, equality, and freedom from abuse.

### **Theoretical Framework: Children's Rights Theory**

This paper is guided by Children's Rights Theory, which emphasises that children are rights-holders with independent and enforceable rights under both national and international law. In the South African context, these rights are firmly embedded in the Constitution, particularly section 28, which safeguards children's rights to dignity, protection from maltreatment, and the promotion of their best interests in all matters affecting them. Internationally, the United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) provide normative frameworks that reinforce the state's duty to protect children from harm, including harm in digital spaces. Using this theory, the paper analyses cyberbullying not merely as a behavioural problem but as a rights-based issue that requires legislative, policy, and societal responses grounded in the protection and promotion of children's rights.

### **Research aim and objectives**

This paper aims to examine the phenomenon of cyberbullying as it affects children in South Africa, with a particular focus on its social and legal implications. The key objectives are:

- To define and analyse the nature and impact of cyberbullying on children.
- To evaluate the adequacy of South Africa's current legal and policy frameworks in addressing cyberbullying.
- To explore non-legal measures such as education, awareness, and psychosocial support as complementary tools in combating cyberbullying.
- To recommend a multi-faceted approach that combines legislation, policy, education, and stakeholder collaboration in preventing and responding to online abuse of children.

### **Methodology**

This study employs a qualitative desktop research design, drawing on both primary and secondary sources. Primary sources include the Constitution of the Republic of South Africa, the Cybercrimes Act 19 of 2020, the Protection from Harassment Act 17 of 2011, the Children's Act 38 of 2005, relevant case law, and regional and international

instruments such as the African Charter on the Rights and Welfare of the Child (1990) and the United Nations Convention on the Rights of the Child (1989). Secondary sources consist of peer-reviewed journal articles, academic books, policy papers, and expert reports relating to cyberbullying, digital harms, child protection, psychology, and online wellbeing. This doctrinal and interdisciplinary approach enables a comprehensive understanding of the legal and social dimensions of cyberbullying and child online abuse.

#### *Sample Size and Source Selection*

The qualitative dataset comprises 15 secondary sources (including journal articles, academic books, and policy reports) and 6 primary legal instruments, yielding a total of 21 documents analysed in depth. These include works by Burton & Mutongwizo (2009), Freeman (2007), Hinduja & Patchin (2014; 2020), Kowalski et al. (2014), Livingstone & Helsper (2007), Ngwainmbi (2019), Van der Merwe & Dawes (2019), Ahmed (2024), Cypress (2017), as well as policy materials from UNICEF (2017) and the South African Human Rights Commission (2021). Purposive sampling was employed to ensure that all selected sources directly address cyberbullying, children's rights, digital harms, and the protective legal framework. The inclusion criteria emphasised academic credibility, legal relevance, and substantive engagement with the research questions.

#### *Rationale for Sample Size*

The sample size was informed by the qualitative principle of data saturation. Sources were reviewed until no new legal themes, conceptual insights, or doctrinal contradictions emerged. The final dataset of 21 documents sufficiently captures the breadth of legal, psychological, and policy perspectives necessary for a doctrinal analysis of child cyberbullying and online safety in South Africa.

#### *Mitigating Internal Bias*

Qualitative research prioritises rigour and truth (Cypress 2017), and researchers must consistently navigate personal biases that could influence data collection, interpretation, or analysis (Ahmed 2024). To ensure the trustworthiness of this study, three measures were adopted. First, triangulation was applied by analysing a diverse range of authoritative primary and secondary sources, thereby reducing reliance on a single viewpoint. Second, reflexive practice was maintained, requiring the researcher to continually interrogate personal assumptions and positionality throughout the research process. Third, the study relied heavily on primary legal sources, legislation, constitutional provisions, and international treaties, ensuring that findings are grounded in authoritative texts rather than subjective opinion. This approach enhances credibility, dependability, and overall methodological integrity.

#### *Nature of the Study*

As a doctrinal qualitative study, this research does not rely on a traditional population size. Instead, the dataset consists of legal texts and scholarly materials extracted from constitutional law, statutory frameworks, case law, academic literature, and policy reports.

### **Understanding Cyberbullying**

#### **Defining Cyberbullying**

Cyberbullying can be broadly defined as the deliberate use of digital technologies, such as social media, mobile phones, email, and online gaming platforms, to harass, threaten, humiliate, or harm others. Unlike traditional bullying, which is limited by time and space, cyberbullying operates in a borderless environment, with harmful content often being permanent and widely disseminated. Hinduja and Patchin (2014) describe it as “willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices.” Common platforms for cyberbullying include Facebook, Twitter (now X), Instagram, TikTok, WhatsApp, and gaming platforms that allow real-time interaction. Children, being among the most active users of these platforms, are particularly vulnerable to this form of online abuse.

#### **Types and Forms of Cyberbullying**

Cyberbullying manifests in multiple forms, many of which overlap with traditional bullying but are magnified by digital reach (Bochaver & Khlokov, 2014). These include:

- Defamation and false information: spreading lies or malicious rumours to damage a child's reputation.
- Harassment: persistent sending of offensive, threatening, or abusive messages.

- Hate speech and racist connotations: targeting children based on race, ethnicity, religion, gender, or sexual orientation.
- Exclusion: deliberately isolating or excluding a child from online groups or chats.
- Humiliating posts/images: sharing unflattering, intimate, or manipulated images without consent.
- Impersonation: creating fake accounts to pose as the victim and damage their relationships.
- Cyberstalking: continuous monitoring, threats, or invasion of privacy.

The permanence and public nature of online content amplify the psychological impact of these actions, leaving victims unable to “escape” from abuse even in private spaces (Kowalski et al., 2014).

### **Global Trends in Cyberbullying**

Globally, cyberbullying has been recognised as one of the most serious online risks facing children. Studies in the United States, the United Kingdom, and Europe indicate that between 20–40% of young people report experiencing cyberbullying during their school years (Kowalski et al., 2014). The rise of mobile technology and constant connectivity has meant that cyberbullying now follows children beyond the schoolyard, into their homes and personal lives (Smith, 2010; Wiederhold, 2024). International research also reveals cultural variations: while in Western contexts, cyberbullying often takes the form of harassment and hate speech, in some Asian countries, exclusion from online groups and academic shaming are more prevalent (UNICEF, 2017). Across jurisdictions, however, cyberbullying is increasingly associated with depression, anxiety, social withdrawal, and suicidal behaviour among children, positioning it as a global public health and human rights concern (Patchin & Hinduja, 2020).

### **South African Context**

In South Africa, cyberbullying has grown in prevalence, fuelled by increased internet penetration, mobile access, and the popularity of social media among young people. A study by Burton and Mutongwizo (2009) revealed alarming levels of online harassment among South African youth, a trend that has intensified with the widespread use of smartphones. The South African Human Rights Commission (2021) has further highlighted the dangers of online hate speech, racism, and harassment, noting that children are among the most affected. Unique challenges in South Africa include:

- High levels of inequality and digital divides affect how children experience both the benefits and harms of technology.
- Cultural tolerance of violence and bullying, which normalises abusive behaviour both offline and online.
- Weak parental digital literacy, leaving many children unsupervised in online spaces.
- Gaps in legislation and enforcement, despite the introduction of the Cybercrimes Act (2020) and the Protection from Harassment Act (2011).

South Africa’s constitutional framework provides strong protection for children, particularly under section 28, which emphasises the best interests of the child. However, enforcement remains difficult in the fast-paced digital world, where anonymity, cross-border platforms, and a lack of awareness hinder effective redress (Van der Merwe & Dawes, 2019)

### **Impact of Cyberbullying on Children**

Cyberbullying can cause psychological, social, legal, and constitutional effects. The following lines explain these in more detail.

#### **Psychological Impact**

The Constitutional Court has long recognised the psychological harm that can result from humiliation and public shaming. In *Le Roux v Dey 2011 (3) SA 274 (CC)*, the Court acknowledged that ridicule and defamation, through the distribution of a digitally altered image of a teacher, caused significant emotional harm and violated his dignity. Though this case involved an adult, it illustrates how digital ridicule can inflict lasting psychological scars. For children, such harms are often amplified, manifesting as depression, anxiety, low self-esteem, and even suicidal ideation (Kowalski et al., 2014). Because children are more vulnerable, psychological injuries from online harassment are constitutionally significant and justify proactive legal and social protections.

## Social Impact

Cyberbullying often forces children into social withdrawal and educational disengagement. The Court in *Teddy Bear Clinic for Abused Children v Minister of Justice* 2014 (2) SA 168 (CC) emphasised that laws and policies must be interpreted in a manner that protects the dignity and development of children. Applying this principle, cyberbullying disrupts children's right to education (s 29 of the Constitution) and hinders their capacity to develop socially and emotionally. By isolating victims, cyberbullying strips them of the benefits of peer interaction and healthy growth. These impacts extend into their adult lives, impairing their ability to form relationships and pursue opportunities.

## Legal and Constitutional Impact

Cyberbullying constitutes a direct infringement of constitutional rights. Section 10 guarantees everyone the right to dignity, which was reaffirmed in *Le Roux v Dey* as a core value of South Africa's constitutional democracy. Similarly, children's rights to privacy (s 14) are often violated when private information or images are shared without consent. The right to equality (s 9) is implicated where online attacks are rooted in race, gender, sexual orientation, or disability. Importantly, *Teddy Bear Clinic* highlighted the State's obligation under s 28 to protect children from harm and maltreatment, recognising that children deserve special protection in all areas, including the digital sphere.

Internationally, South Africa's commitments under the Convention on the Rights of the Child (1989) and the African Charter on the Rights and Welfare of the Child (1990) reinforce this constitutional mandate. Together with domestic instruments like the Cybercrimes Act 19 of 2020 and the Protection from Harassment Act 17 of 2011, these frameworks form a robust legal basis for addressing cyberbullying. However, gaps remain in implementation, particularly in identifying perpetrators and balancing children's rights with freedom of expression (s 16). Courts will continue to play a central role in interpreting these tensions in line with transformative constitutionalism.

## Legal and Policy Framework in South Africa

### Constitutional Provisions and Rights Implicated

The Constitution of the Republic of South Africa, 1996, establishes the foundational rights that are frequently implicated in matters of cyberbullying, cyber-harassment, and online abuse. Section 10 guarantees the right to dignity, while section 14 protects the right to privacy. These provisions shield individuals from degrading treatment and unlawful intrusions, which are often triggered by conduct such as doxxing, cyber-harassment, and the non-consensual distribution of images (Currie & De Waal, 2013). Section 16 protects the right to freedom of expression; however, this protection is limited, as it does not extend to propaganda for war, incitement of imminent violence, or advocacy of hatred that amounts to incitement to cause harm. In addition, section 28, which specifically recognises the rights of children, imposes heightened obligations on the state and private actors to ensure the protection of children's best interests in all circumstances (Govender, 2020).

South African courts have applied these constitutional values to cases involving online abuse. Notable examples include:

- *Le Roux v Dey* 2011 (3) SA 274 (CC): Learners were held liable for distributing a doctored image of their principal. The Court engaged in a careful balancing exercise between the rights to dignity and freedom of expression (SAFLII, 2011).
- *H v W* 2013 (2) SA 530 (GSJ): The Court interdicted Facebook posts that infringed on the plaintiff's dignity and privacy, confirming the availability of both delictual remedies and interdicts in respect of social media harms (SAFLII, 2013).
- *Isparta v Richter* 2013 (6) SA 529 (GP): The Court awarded damages for defamatory Facebook posts, holding that liability may also extend to those who permit or fail to remove defamatory content published on their social media pages (Burris, 2014; SciELO, 2015).

### The Cybercrimes Act 19 of 2020

The Cybercrimes Act establishes a comprehensive framework for addressing malicious online communications (ss 14,15, and 16). It creates offences in respect of:

- Incitement or threats to cause damage to property or violence.
- The disclosure of intimate images without consent, often referred to as non-consensual intimate image (NCII) distribution or "revenge pornography"; and

- The creation, transmission, or distribution of harmful or harassing data messages, including those relating to intimate images.

The Act further provides for mechanisms of takedown, data preservation, and court-ordered removal of harmful content, especially as set out in Chapters 3 and 4 (ss 14–20) (Republic of South Africa, 2020).

The Protection from Harassment Act (PFHA) provides a civil remedy through protection orders against harassment, including harassment perpetrated by means of “electronic communications” such as text messages, emails, and social media posts. Victims, including children, are able to obtain urgent interim protection orders. Moreover, the Act obliges service providers and the South African Police Service (SAPS) to assist in tracing anonymous harassers, thereby strengthening access to justice (Department of Justice and Constitutional Development, 2011).

### **The Domestic Violence Act (as amended by the Domestic Violence Amendment Act 14 of 2021)**

The amended Domestic Violence Act broadens the definition of “domestic violence” to include controlling and coercive behaviour, as well as related forms of electronic abuse. It also expands the duties imposed on SAPS and introduces mechanisms for electronic service and electronic reporting. This is particularly important where cyber-abuse occurs within intimate or familial relationships. The amendments came into operation on 14 April 2023 (Werksmans Attorneys, 2023).

### **The Films and Publications Amendment Act 11 of 2019**

The Films and Publications Amendment Act (FPAA) strengthens the regulatory framework in respect of harmful online content and empowers the Film and Publication Board (FPB) to intervene against such material. The FPAA is particularly relevant in addressing the non-consensual distribution of intimate images, as well as harmful online materials involving children (Daily Maverick, 2019).

### **The Protection of Personal Information Act 4 of 2013**

The Protection of Personal Information Act (POPIA) protects the personal information of individuals, including children. The unlawful processing or sharing of personal data, such as private numbers, photographs, or health information, may form the basis of complaints before the Information Regulator (ss 9-11). The Regulator is mandated to investigate complaints and enforce compliance with the Act, and it has published clear guidelines and complaint procedures for this purpose (Information Regulator South Africa, 2021).

### **The Children’s Act 38 of 2005**

The Children’s Act affirms a child’s right to privacy in section 13 and reiterates the principle that the best interests of the child must be of paramount importance in every matter concerning the child (read in conjunction with section 28 of the Constitution). These provisions provide a normative framework guiding schools, parents, and courts in their responses to the cyberbullying of minors, including through orders requiring content removal or counselling interventions (Republic of South Africa, 2005).

### **Education Policy Frameworks**

The Department of Basic Education has developed policy instruments, such as the National School Safety Framework, to address bullying and cyberbullying within the school environment. These frameworks require schools to adopt preventative measures, establish reporting mechanisms, and implement disciplinary processes to safeguard learners (Western Cape Education Department, 2020).

### **GAPS in the legal framework**

Despite the existence of a relatively robust set of legal and policy instruments addressing online harms, significant gaps and limitations remain within the South African framework.

First, there is no single piece of legislation specifically enacted as a “Cyberbullying Act.” Instead, protections are dispersed across criminal, civil, privacy, and educational instruments. This dispersal results in fragmentation and leads to variable levels of public awareness and uneven enforcement across institutions (Currie & De Waal, 2013).

Secondly, the tension between criminalisation and proportionality remains unresolved. While the Cybercrimes Act 19 of 2020 addresses harmful communications and the non-consensual distribution of intimate images (NCII), the demarcation between unlawful conduct and constitutionally protected expression under section 16 of the

Constitution is complex. Over-criminalisation carries the risk of unduly chilling legitimate speech, whereas under-criminalisation leaves victims vulnerable to ongoing harm (Govender, 2020).

Thirdly, although takedown and preservation orders are provided for within legislation, significant delays persist in practice. Challenges arise in relation to identifying anonymous users, as well as in enforcing removal orders across multiple platforms and jurisdictions. These challenges are evident from interdict practice and in recent litigation concerning cross-platform removals (SAFLII, 2013).

A further limitation arises within the school environment. Although Department of Basic Education frameworks, such as the National School Safety Framework, mandate proactive policies on bullying and cyberbullying, their effectiveness relies heavily on consistent implementation. Reporting mechanisms, parental engagement, and counselling services are often constrained by limited institutional capacity, leading to uneven levels of protection for learners (Western Cape Education Department, 2020).

Lastly, there is considerable overlap and, at times, confusion between available remedies. Victims may need to navigate between civil protection orders under the Protection from Harassment Act, remedies under the Domestic Violence Act (where relationships qualify), complaints under the Protection of Personal Information Act, and criminal prosecutions under the Cybercrimes Act. This multiplicity of routes often requires multi-track action and specialist legal support, which is not always accessible to ordinary victims (Department of Justice and Constitutional Development, 2011; Parliament of South Africa, 2021).

### **Beyond Legislation: Preventive and Supportive Measures**

#### **The Role of Schools: Integration of Anti-Bullying Education into the Curriculum**

Schools occupy a central role in the early prevention of cyberbullying, as children and adolescents constitute the most affected groups. The South African Schools Act 84 of 1996 obliges schools to create and maintain a safe environment for learners. This obligation is operationalised through the National School Safety Framework (NSSF), which provides a guiding policy tool for preventing bullying, including its online manifestations (Department of Basic Education, 2015).

Incorporating digital citizenship education into the curriculum can equip learners with an understanding of the consequences of online actions, as well as their rights and responsibilities in cyberspace. International best practice, as documented in UNESCO's School Violence and Bullying: Global Status Report (2017), highlights the importance of a whole-school approach that integrates clear policies, teacher training, learner empowerment, and peer support networks.

In South Africa, initiatives such as Childline school awareness programmes and partnerships with NGOs like the Teddy Bear Foundation have been instrumental in raising awareness and providing counselling to learners. These interventions illustrate the importance of multi-stakeholder collaboration in the school environment.

#### **Public Awareness Campaigns Targeting Children, Parents, and Educators**

Public education campaigns are essential for complementing legal measures. The Department of Communications and Digital Technologies, in partnership with the Film and Publication Board (FPB), has implemented cyber-safety campaigns aimed at educating learners and parents on online risks, including sextortion, grooming, and cyberbullying. Civil society organisations also play a critical role. For example, Media Monitoring Africa (MMA) has pioneered the *Web Rangers* programme, which trains young people to advocate for safe and responsible digital behaviour. To be effective, campaigns must be culturally sensitive and multilingual, ensuring accessibility to South Africa's diverse communities. Evidence suggests that campaigns achieve the greatest impact when they incorporate peer-to-peer messaging and utilise social media platforms that children actively engage with (Livingstone, 2014).

#### **Mental Health and Psychosocial Support for Victims**

The consequences of cyberbullying extend into the domain of public health. Victims frequently experience anxiety, depression, social withdrawal, and, in severe cases, suicidal ideation. The World Health Organization (WHO, 2020) recognises cyberbullying as a significant public health concern with adverse mental health outcomes. In South Africa, psychosocial support is available through schools in the form of Life Orientation teachers, school psychologists, and social workers. Additionally, helplines such as Childline SA (08000 55 555) provide confidential assistance to affected children.

The Children's Act 38 of 2005 stipulates that children in need of care and protection must be referred to appropriate counselling and support services. Effective support measures should therefore be victim-centred, providing safe reporting channels, confidential counselling, and facilitating reintegration into the school community following bullying incidents.

### **The Role of Parents and Guardians**

Parents and guardians constitute the first line of defence against cyberbullying. However, many lack the digital literacy required to identify online risks. Research has shown that parental mediation and supervision, for example, through setting boundaries on screen time, monitoring online activity, and engaging in open conversations, significantly reduces children's vulnerability to cyberbullying (Livingstone & Helsper, 2008).

Parents should therefore be empowered through workshops, online safety toolkits, and partnerships with schools. The South African Council for Educators (SACE) recommends the establishment of parent-teacher collaborations within a broader "community of care" model to strengthen anti-bullying strategies.

### **Collaboration with Social Media Companies**

Given that cyberbullying predominantly occurs on digital platforms, collaboration with social media companies is essential. Platforms such as Meta (Facebook, Instagram), TikTok, and X (formerly Twitter) provide reporting, blocking, and content moderation tools. However, many victims and parents remain unaware of these mechanisms or perceive them as ineffective.

The Cybercrimes Act 19 of 2020 empowers courts to order the removal of harmful content, yet proactive cooperation between platforms and local authorities could reduce reliance on litigation. Internationally, the UK's Online Safety Act 2023 introduces legally binding obligations on platforms to mitigate harmful content, offering potential lessons for South African regulators. A multi-stakeholder approach, encompassing government, civil society, schools, parents, and technology companies, is critical for ensuring timely reporting, effective victim protection, and enhanced accountability for platforms.

### **Role of schools: integration of anti-bullying education into the curriculum**

Schools are positioned at the centre of early prevention efforts, as children and adolescents are among the most vulnerable to cyberbullying. Under the South African Schools Act 84 of 1996, schools are obliged to provide and maintain a safe learning environment. In support of this statutory duty, the National School Safety Framework (NSSF) operates as a key policy instrument for preventing bullying, including its online manifestations (Department of Basic Education, 2015). By integrating digital citizenship education into the curriculum, learners may be taught to understand both the consequences of online actions and their rights and responsibilities in cyberspace. International best practice, as highlighted by UNESCO (2017), demonstrates that adopting a whole-school approach, through the combination of policies, teacher training, learner empowerment, and peer support, is the most effective means of addressing school-based violence and bullying. In South Africa, initiatives such as Childline awareness programmes and NGO partnerships, for instance with the Teddy Bear Foundation, have contributed significantly to raising awareness and providing counselling services within schools.

### **Public awareness campaigns targeting children, parents, and educators**

Public education operates as a vital complement to legal responses. In South Africa, the Department of Communications and Digital Technologies, together with the Film and Publication Board (FPB), has launched cyber-safety campaigns aimed at educating learners and parents about risks, including sextortion, grooming, and cyberbullying. NGOs such as Media Monitoring Africa (MMA) have further strengthened these initiatives through campaigns like *Web Rangers*, which train young people to champion safe and responsible online conduct. In order to maximise their effectiveness, awareness campaigns must be culturally sensitive and delivered in multiple languages to ensure accessibility across South Africa's diverse communities. Research further indicates that campaigns are most impactful when they employ peer-to-peer messaging and utilise the very social media platforms most frequented by children and adolescents (Livingstone & Helsper, 2008).

### **Mental health and psychosocial support for victims**

Cyberbullying is frequently associated with profound psychological harm, including anxiety, depression, social withdrawal, and, in severe cases, suicidal ideation. The World Health Organization (2020) has classified cyberbullying as a public health concern with wide-ranging mental health implications. In South Africa, psychosocial support is delivered primarily through schools, using Life Orientation teachers, school psychologists,



and social workers, as well as national helplines such as Childline SA (08000 55 555). In terms of the Children's Act 38 of 2005, children identified as requiring care and protection must be referred to appropriate counselling and support services. Support frameworks should therefore be designed to prioritise victims by providing confidential reporting mechanisms, counselling services, and safe reintegration pathways into the school community following incidents of bullying.

### **Role of parents and guardians**

Parents and guardians constitute the first line of defence against cyberbullying. Nevertheless, many lack the digital literacy skills required to identify risks and implement protective strategies. Research underscores that parental mediation and supervision—for instance, by setting screen-time boundaries, monitoring online activity, and maintaining open discussions with children—substantially reduces vulnerability to cyberbullying (Livingstone & Helsper, 2008). Parents should thus be supported through school-parent partnerships, digital safety toolkits, and structured workshops aimed at improving digital literacy. In alignment with this, the South African Council for Educators (SACE) advocates for the development of parent-teacher collaborations as part of a broader “community of care” framework to effectively address bullying in all its forms.

### **Collaboration with social media companies**

Because cyberbullying occurs primarily within digital platforms, partnerships with social media companies are indispensable. Platforms such as Meta (Facebook and Instagram), TikTok, and X (formerly Twitter) provide reporting, blocking, and content moderation tools. However, these tools often remain underutilised by victims and parents due to a lack of awareness or concerns about effectiveness. While the Cybercrimes Act 19 of 2020 empowers courts to order the removal of harmful online content, more proactive cooperation with platforms has the potential to reduce reliance on litigation. Lessons may be drawn from the United Kingdom's Online Safety Act 2023, which imposes legally binding obligations on technology companies to mitigate harmful content. Within the South African context, adopting a multi-stakeholder approach involving government, civil society, schools, parents, and technology companies is essential for facilitating timely reporting, improving victim protection, and ensuring stronger accountability from platforms.

### **Towards an integrated response framework**

The effective prevention and management of cyberbullying requires an integrated response that connects schools, families, communities, and digital platforms within a coordinated framework. Schools function as the primary sites of prevention through curriculum-based digital citizenship and safe learning environments, while public awareness campaigns extend knowledge into households and communities. At the same time, mental health and psychosocial support structures ensure that victims are not only protected but also reintegrated into safe social settings. Parents and guardians, empowered through digital literacy initiatives, reinforce these protective mechanisms by monitoring and guiding children's online behaviour. Finally, collaboration with social media companies enhances these efforts by enabling faster content removal and more responsive platform accountability. Together, these interlinked strategies reflect a holistic approach that aligns with constitutional values of dignity, equality, and the best interests of the child, thereby ensuring a balanced and sustainable framework for addressing cyberbullying in South Africa.

### **Recommendations**

The eradication of cyberbullying in South Africa requires a holistic, multi-sectoral approach that integrates legislative, educational, institutional, and psychosocial interventions. First, legislation and enforcement mechanisms must be strengthened through the clarification and consolidation of existing legal frameworks. Although South Africa has enacted various statutes, the Cybercrimes Act, the Protection from Harassment Act, the Domestic Violence Act, the Protection of Personal Information Act (POPIA), and the Children's Act, these remain fragmented and difficult for victims to navigate. A harmonised “Cyberbullying and Online Safety Code” could therefore consolidate remedies and facilitate easier access to justice (South African Law Reform Commission, 2021). In addition, law enforcement officers, prosecutors, and magistrates should undergo specialised training in digital evidence, cybercrime investigation, and child-sensitive procedures, as inadequate investigation and secondary victimisation often discourage victims from pursuing cases (Moodley, 2022). Parallel to this, greater accountability should be imposed upon digital platforms through co-regulatory models, similar to the United Kingdom's Online Safety Act 2023, obliging platforms to cooperate in content takedowns and offender tracing (Ofcom, 2023). Furthermore, systematic data collection and monitoring by state departments such as the Department of Basic Education (DBE), Department of Social Development (DSD), South African Police Service (SAPS), and Department of Justice and Constitutional Development (DOJCD) would inform evidence-based policy reforms.

Second, comprehensive national awareness campaigns are necessary. These should adopt a multi-channel approach across schools, social media, television, and radio, while being accessible in multiple South African languages. Campaign content must emphasise digital citizenship, empathy, safe reporting, and the remedies available under law. Youth engagement is particularly critical, as peer-led education models such as the Web Rangers initiative have proven successful in South Africa (Media Monitoring Africa, 2020). Integration of these campaigns with existing school programmes, particularly within the Life Orientation curriculum and the National School Safety Framework, will ensure sustainable long-term impact (DBE, 2015).

Third, effective responses demand multi-stakeholder cooperation. Government departments should coordinate a National Anti-Cyberbullying Strategy with clearly defined mandates, while schools must strengthen internal reporting systems and compliance with safety frameworks. Parents and guardians require accessible training in digital parenting and online safety, whereas civil society organisations such as Childline SA, the Teddy Bear Foundation, and Media Monitoring Africa can provide support, advocacy, and monitoring. Technology companies must also collaborate with the state to ensure rapid content takedowns, transparent moderation practices, and responsive reporting mechanisms.

Fourth, psychosocial and mental health support systems for victims must be prioritised. This includes expanding school-based counselling services, integrating cyberbullying-related trauma into youth mental health policies, and providing clear referral pathways to community-based services such as Childline's helpline (08000 55 555). Public messaging should also reduce stigma surrounding mental health support, while restorative justice approaches, such as mediated apologies or educational interventions, can reintegrate offenders and prevent recidivism, especially in schools (Burton, 2018).

Finally, these recommendations underscore the necessity of a coordinated and victim-centred strategy. Laws in isolation cannot eradicate cyberbullying; rather, a comprehensive approach must strengthen enforcement, raise national awareness, mobilise multiple stakeholders, and ensure robust psychosocial support. Such measures align with the constitutional obligation to protect the best interests of the child under Section 28 of the Constitution of the Republic of South Africa, 1996, as well as South Africa's international commitments under the United Nations Convention on the Rights of the Child and the African Union's Agenda 2063 on safe and inclusive digital development (UNICEF, 2019; African Union, 2015).

## **Conclusion**

The rapid expansion of digital technologies has created new opportunities for learning, communication, and social engagement. However, this same technological progress has also produced new vulnerabilities, particularly in the form of cyberbullying. The digital environment thus has a dual nature: while it facilitates empowerment, access to information, and innovation, it also exposes children and young people to harassment, humiliation, and psychological harm. This paradox underscores the urgent need to manage the risks without undermining the undeniable benefits of technology.

It is worth noting that this study is qualitative and interpretive in nature; internal bias was mitigated by grounding all conclusions in recurring themes drawn from authoritative primary legal sources and corroborated by a systematically selected body of secondary literature. By synthesising statutory instruments, constitutional obligations, international child-protection norms, and empirical academic findings, the study ensured that its conclusions rest on converging doctrinal and interdisciplinary evidence. This strengthens the validity, reliability, and trustworthiness of the final recommendations on enhancing legal protection against cyberbullying and child online abuse.

Cyberbullying must be understood not simply as an interpersonal conflict but as a violation of fundamental rights, particularly children's rights. It infringes upon the right to dignity, privacy, equality, and freedom from harm, all guaranteed under the Constitution of the Republic of South Africa, 1996 (sections 10, 14, 28). It also undermines South Africa's obligations under international and regional frameworks such as the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, which emphasise the best interests of the child as paramount in all actions affecting them.

The study highlights that addressing cyberbullying requires a multi-pronged approach that transcends legal reforms. While legislation such as the Cybercrimes Act, the Protection from Harassment Act, and the Children's Act provide important remedies, these instruments alone are insufficient. A sustainable response must combine

- Law and enforcement, ensuring clear, accessible remedies for victims.
- Education, embedding digital citizenship and empathy into school curricula.
- Public awareness campaigns, targeting learners, parents, and educators to shift social norms around online behaviour.
- Mental health and psychosocial support, recognising the profound psychological toll of cyberbullying; and
- Collaboration with digital platforms to ensure responsible moderation, swift removal of harmful content, and accountability of service providers.

The contribution of this study lies in offering guidance for academics, policymakers, legislators, and practitioners in shaping an integrated framework for combating cyberbullying. For academics, it enriches discourse on the intersection of law, technology, and children's rights. For policymakers and legislators, it identifies gaps in current frameworks and suggests directions for reform and harmonisation. For practitioners, educators, counsellors, law enforcers, and NGOs, it provides insights into preventive and supportive measures that can be implemented at the community level.

Ultimately, the fight against cyberbullying is not only a legal imperative but also a societal responsibility. By adopting a coordinated, child-centred, and rights-based approach, South Africa can ensure that technology remains a tool for empowerment rather than harm, and that the digital environment contributes to the realisation of children's rights and well-being.

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