The Spate of Cyber-Bullying in Sierra Leone: Where is the law?

Introduction

This article will cover the emergence, definition of cyber-bullying, its forms, impacts or adverse effects it has on its victims and Sierra Leone as a nation, examine those existing laws related to cyber-bullying in Sierra Leone, challenges in enforcing these laws, the gaps and limitations in these frameworks, and proffer recommendations and solutions that will help remedy the problem.

Emergence

Cybercrime has evolved throughout the years, the first ever cyber attack was in France in 1834, way before the internet was invented. The attackers stole financial market information by accessing the French telegraph system. Since then cybercrime has grown exponentially, marked by an intriguing evolution of tactics, techniques and procedures geared towards malicious gain. However cybercrime did not really find its footing until mid-point of the 20th century. Spurred on by digital revolution, cybercriminals became early adopters of technology, using their head start and smarts to engineer new, devious ways to part people and organizations from their data and resources. The first ever modern history of cybercrime began when Allen Scherr launched a cyber attack against the Massachusetts Institute of Technology (MIT) computer networks, stealing passwords from their database via a punch card.

It then became a medium of intimidation at targeted victims using their personal information against them to create fear and coerce them into getting a required reaction. This issue of Cybercrime and in turn cyber-bullying is a widespread occurrence with attacks targeted across continents and not just limited to a particular area of the world. The focus of this article would be primarily on Cyber-bullying in Sierra Leone.

Thus it has evolved as a type of crime that involves illegal usage of a computer or a computer network, mobile devices etc, to facilitate in committing or committed the crime, the computer or the device may either have been used to commit the crime or it is the target. This crime as was rightly said was first committed in France before the internet was invented in 1834.

What is Cyber-Bullying?

Cyber bullying is a more evolved form of bullying that arose with the prevalence of the Internet. According to Advanced Google Search, this concept is defined as the use of electronic communication devices to bully a certain individual. Electronic Communication includes the use of mobile phones, computers etc. It could be done by means of emails, text messages, social media (Face book, Whatsapp, Instagram etc) and others.

They are part of the co-defined set of crimes under what we term as Cybercrimes (phishing, spreading hate or threats, grooming etc) and are quite on a rampage. As
technology advances, there is an underlying potential for cyber-bullying to increase. This cyber-bullying, harassment and hoaxes have been linked to cause teen depression, low self-esteem and tragedies of suicide.

Nowadays, all digital devices (including computers, tablets, smart phones etc) are all connected to the internet, as 95% of the human population is on the internet for almost the whole day. The purpose of the internet was to create a vast network that connects all mobile devices all over the world, so people could be equipped with the tool of sharing valuable information and communication from anywhere in the world with an internet Connection. It is no secret that cyber-bullying is an umbrella term that is inclusive of hoaxes, harassment, grooming, reputation attacks etc. are affecting the continents of the Earth that would include but not limited to Africa as a whole and are targeted at scaring, angering or shaming its victims.

The Government of the United States of America revealed a statistics on cyber-bullying that at least 58% of kids between age 14-18 admitted that someone has said mean or harmful things to them online. More than four out of the ten children admitted that it has happened more than once. In a national survey of 10-17 years old, twice as many children indicated that they had been victims and perpetrators. Cyber-bullying has been going on for awhile with it being a major cause of depression and suicide eventually in young kids and adults. It is a common occurrence to nations all over; however, we extend and limit this writing to Africa more particularly Sierra Leone for a more focal and detailed case study.

**International Legal Framework**

Sierra Leone, like many countries, has its own domestic cybercrime laws, and these laws are influenced by international legal frameworks. Doing a comparative analysis of Sierra Leone's cybercrime laws and the international legal instruments that make them applicable, Sierra Leone enacted its Cybercrime Act in 2021 to address various cyber offenses. This law covers a wide range of activities, including hacking, identity theft, online fraud, and the distribution of malicious software. The law also includes provisions on child online protection and privacy, aiming to safeguard vulnerable groups and personal information. It defines penalties for various cybercrimes, with provisions for imprisonment and fines, depending on the severity of the offense.

Sierra Leone, like many nations, is a signatory to several international agreements and conventions related to cybercrime. Notably, it is a party to the Budapest Convention on Cybercrime, adopted by the Council of Europe in 2001. The Budapest Convention provides a comprehensive legal framework for addressing cybercrime, including the harmonization of laws across borders and international cooperation in investigations. The United Nations has also played a role in the development of international norms related to cybersecurity. Resolutions like the UN Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security (UNGGE) have contributed to shaping international consensus on responsible state behavior in cyberspace.

**Cyberbullying in Sierra Leone**

In Sierra Leone, cyber-bullying is fast encroaching into the lives of social media users. Ten chances to one are that one who uses a smart phone or a computer to access the
Internet and is a social media user, chances are you’ve seen or been a victim of cyber-bullying. As has been defined above, it is the use of electronic communication (online bullying) uses technology to transfer, send, post, publish or disseminate content with the intent to harm a person or a group. They can take the form of messages or images which are posted anonymously and distributed quickly to a wide audience. Cyber-bullying can happen 24 hours a day, 7 days a week, and reach its victims even when he or she is alone. Bullying and inappropriate use of social media is becoming a problem in Sierra Leone. Statistics are not available from the CID office, Cyber Crime Unit, but the global statistics are alarming. A social change website records that over 43% of young people surveyed have been bullied online, a mobile, smart phone regularly is the most common medium for cyber-bullying and girls and young women are more than twice as likely as boys to be victims and perpetrators of cyber-bullying. Case example was Maseray Sesay, a university student in Freetown who shared her experience with Awoko Newspaper where she was added in a local WhatsApp group and had defamatory statements levied against her alleging that she was infected with Tuberculosis (TB).

There has not been an accurate and detailed statistics or data on cyber-bullying in Sierra Leone presented by the Criminal Investigation Office (CID), Cyber Crime Unit in Freetown. However, almost three out of five Sierra Leoneans can testify that they have either personally witnessed online bullying or they have been victims of online bullying. A cyber-bullying organization website recorded that 30% of young people have been attacked online in their lifetime with parties more focused on women and girls. In Safe Sister Training in 2022, Media Trainer Mariama Sowe, revealed that research conducted by the Sierra Leone Association of Women in Journalism (SLAWIJ), found out that 64% of women consulted admitted to have been harassed and have at least personally experienced one form of threat, harassment and/or violence.

“Cyber-bullying is quite the new “fun” thing to do in Sierra Leone; everyday people are bullied in Sierra Leone due to rivalry, failed relationships, marriage disputes etc. Most victims have been women both in Sierra Leone and Diaspora”, says a post made by hidden voices Africa, this does not mean that men themselves are have not being victims as well; Cyber-bullying is applicable to all (both men and women) The more common trend now is the release of sex tapes, inappropriate pictures backed up with threats to be released on major social media platforms, to solicit a reaction that will benefit the perpetrators, gays or lesbians discriminated against and some having their normal social media posts being “trolled” degraded by comments for a sick and twisted gain.

Online bullying is seemingly prevalent in Sierra Leone and remains a largely misunderstood risk to the wellbeing of children and young people. Bullying has now being considered “normal” with victims “bullied” because of their physical appearance, gender or sexual orientation and ethnicity and that has adverse effects on the mental health of the victims and is a major cause of depression and in turn suicide.

In Sierra Leone, Cyberbullying is protected for by The Cyber Security And Crime Act, 2021 was enacted by the President of Sierra Leone in November 2021. The act
provides prevention on the abusive use of computers and a timely and effective collection of electronic evidence for investigation and prosecution of cybercrime. This act came as a result of the repeal of the Criminal Libel Law (Part V of the Public Order Act of 1965). Cybercrime law (as put forward by the United Nations Office on Drugs and Crime) identified standards of acceptable behavior for information and communication technology users; established socio-legal sanctions for cybercrime – protects ICT users, mitigates and /or prevents harm to people, data, systems, services and infrastructure in particular protects human rights, enables the investigation and prosecution of crimes committed online and facilitates cooperation between countries on cybercrime matters. Cybercrime law provides rules of conduct and standards of behavior for the use of the internet, computers and related digital technologies. Cybercrime law prohibits specific types of cybercrime and punishes offline crimes such as fraud, forgery, money laundering perpetrated in cyberspace and have been made possible with the existence of the internet -enabled digital technologies.

The Cybercrime Act of 2021, seeks to enforce Cybercrime law in Sierra Leone more specifically against the prevalent crime of cyberbullying. Despite laudable efforts by the Parliament of Sierra Leone to curb cybercrimes in particular there are still lacunas that exist in the legal system. The Cybercrime Act places so much uncontrolled powers on the Minister of Information and Civic Education, he is responsible for levying punishments on convicted persons by virtue of Section 25(1) of the Act. Sentencing of guilty persons should be a power solely bestowed on the Judiciary. The Bill contains such offences with no accompanied penalties and sanctions, this opens room for arbitrariness in dealing with offenders of this law. Sanctions must not be determined after the commission of the offence, they must be certain. The scope of the Cybercrime Act extends beyond natural persons, the word person is defined to include among other things such as a corporation, company, partnership, firm etc. This shows that political parties, civil society organizations, media houses etc are not exempted from liability under the Act.

The Act also sets out to invade into the private rights and activities of Diasporas, as Sections 12 and 14 of the Act, for example, the Minister of Justice of Sierra Leone is empowered to request foreign state assistance that is aimed at investigating or prosecuting offences under this Act, as such the activities of the diasporas are no longer immune from invasion by the Sierra Leonean government. There are such other gaps within the proposed bill that makes the curbing of cyberbullying and such other Cybercrimes to be faced with challenges.

**Recommendations**

Addressing the spate of cyberbullying in Sierra Leone requires a multifaceted approach that involves individuals, communities, and the government. Firstly, it is crucial to promote digital literacy and responsible online behavior among young people. Educational programs should be established in schools to teach students about the consequences of cyberbullying and the importance of empathy and respect in online interactions. Additionally, parents and guardians should be encouraged to actively engage with their children's online activities and provide guidance on safe and ethical internet usage.
Secondly, social media platforms and internet service providers operating in Sierra Leone should be encouraged to implement stricter policies against cyberbullying. This includes mechanisms for reporting and swiftly addressing instances of cyberbullying, as well as promoting online communities that foster positivity and support. Collaboration between these platforms and local authorities can help identify and penalize individuals engaged in cyberbullying.

Lastly, the government, apart from the existing legislation that deals with cybercrime as a whole, should enact a legislation that specifically addresses cyberbullying and online harassment. This legislation should outline clear penalties for perpetrators and provide legal recourse for victims. Furthermore, law enforcement agencies should receive training on how to investigate and prosecute cyberbullying cases effectively. Public awareness campaigns should also be launched to inform the population about the new laws and the importance of reporting cyberbullying incidents. By taking these steps, Sierra Leone can work towards curbing the alarming rise of cyberbullying and creating a safer digital environment for its citizens and responding proactively. By integrating these recommendations into a comprehensive cybersecurity strategy, Sierra Leone can effectively address the spate of cyberbullying and protect its citizens’ digital interests.