

# Responding to cyberbullying

---

House of Commons Standing Committee on Justice and Human Rights  
Submission to study of Bill C-13, April 2014



Boys & Girls Clubs of Canada  
Clubs Garçons et Filles du Canada

2005 Sheppard Ave. E., Suite 400  
Toronto, ON M2J 5B4  
T 905/ 477-7272  
F 416/ 640-5331  
[www.bgccan.com](http://www.bgccan.com)

# Introduction

The Standing Committee on Justice and Human Rights has been tasked with reviewing Bill C-13, Protecting Canadians from Online Crime Act. Boys and Girls Clubs of Canada welcomes government action to address the harms of cyberbullying and would like to make a few recommendations for your consideration.

## Protection and privacy rights

Like other youth serving organizations, Boys and Girls Clubs of Canada is concerned about the far reaching consequences of cyberbullying. Bill C-13 is proposing to address a particularly harmful manifestation of cyberbullying, the non-consensual sharing of intimate images. Given the tragic consequences of this form of bullying, legislative action is most welcome. Boys and Girls Clubs of Canada supports the government's efforts to address cyberbullying.

We understand however, that Bill C-13 has raised concerns about the respect of privacy rights. Some of those questions were raised by the Privacy Commissioner of Canada in their preliminary observations of the Bill:

- *new investigative powers, (including preservation orders) proposed by the Bill and the thresholds for their use;*
- *the potentially large number of "public officers" who would be able to use these significant new powers; and*
- *a lack of accountability and reporting mechanisms to shed light on the use of new investigative powers.<sup>1</sup>*

Young people deserve protection from cyberbullying. They also deserve protection from unreasonable interference with their privacy. While matters of privacy are not our area of expertise, they ought to be given proper consideration.

Given the urgent need to act on the non-consensual sharing of intimate images, we hope the government will see the wisdom of separating Bill C-13 to ensure protective measures can be put in place immediately (Clauses 2 to 7, Clause 27) and that matters concerning privacy can be considered more carefully to ensure the privacy rights of young people, and all Canadians, are respected.

Should the government proceed with the Bill as currently drafted, we would strongly encourage consultation with privacy experts such as the Privacy Commissioner of Canada, and would hope to see amendments that address their concern and protect the privacy of young Canadians.

**RECOMMENDATION – Protect children and youth from cyberbullying while protecting their right to privacy.**

---

<sup>1</sup> 2013. Statement from the Privacy Commissioner of Canada regarding Bill C-13. Office of the Privacy Commissioner of Canada. November 28. [http://www.priv.gc.ca/media/nr-c/2013/s-d\\_131128\\_e.asp](http://www.priv.gc.ca/media/nr-c/2013/s-d_131128_e.asp)

## Consultations with youth

Young people in Canada are more connected than ever thanks to networked technologies. A recent survey conducted by MediaSmarts that polled 5,436 youth from grades 4 to 11 in every province and territory found that youth in Canada had universal access to internet – 99% having access outside of school.<sup>2</sup>

These digital natives have online access that is personal and portable (24% of Grade 4 students have their own cell phones, a percentage that increases to 85% by Grade 11). This is a shift from an earlier 2005 study that found most accessing the internet from a home computer. Youth are confident and enthusiastic users of the internet, accessing multiple platforms for entertainment (videos, music, TV), socializing with peers, and finding information (e.g. sports, news, sexuality, health).

Through their use of this technology, young people are testing social boundaries while also trying to fit in with their peer group. Images and language that seem provocative are sometimes used affectionately or to gain admiration from peers. Cyberbullying expert Dr. Shaheen Sharrif cautions that “not all sexually suggestive images are posted without consent or with malicious intent”. In trying to address cyberbullying, legislators would benefit from understanding how children and youth use technology and what they think will work to address cyberbullying.

Increased connectivity and new social norms around electronic communications make young people most vulnerable to cyberbullying, and most likely to be affected by this legislation. To ensure that legislation achieves its intended purpose, government should consult with young people on Bill C-13 and on all efforts to address cyberbullying. Boys and Girls Clubs of Canada can help support young people to participate in such a consultation.

**RECOMMENDATION – Consult with youth on Bill C-13 to ensure efforts to address the distribution of non-consensual intimate images are informed by those who are most affected.**

## Education

Young people's high level of connectivity and online interaction requires extra measures to educate youth about respectful behaviour, and deliver a coordinated message about how certain online behaviour is illegal.

The desire to address bullying and cyberbullying has resulted in a patchwork of legislation across federal/provincial/territorial jurisdictions. This risks leaving children and youth confused about their responsibilities and the legal repercussions of their actions.

The Standing Senate Committee on Human Rights and the CCSO Cybercrime Working Group both recommended that the federal government play a lead role in coordinating efforts to address cyberbullying, in part through a national prevention strategy and legal education. Cyberbullying expert Professor Shaheen Sharrif concurs: “I believe it is essential to improve the legal literacy of young people and stakeholders, such as teachers, parents, administrators and corporate intermediaries. New laws alone will not reduce cyberbullying; but legal literacy shows greater promise”.

The Standing Senate Committee on Human Rights made a similar suggestion: “That the promotion of human rights education and digital citizenship be a key component of any coordinated strategy to address cyberbullying developed in partnership by the federal, provincial and territorial governments”. They also stressed the importance of engaging youth.

---

<sup>2</sup> Steeves, V. 2014. Young Canadians in a Wired World, Phase III: Life Online. Ottawa: MediaSmarts. <http://mediasmarts.ca/ycww>

The government's new campaign to Stop Hating Online is a step in the right direction. Through our network of 99 member Clubs, serving children and youth in 650 communities across the country, Boys and Girls Clubs of Canada is able to help bring youth to the table to inform and help deliver future education campaigns.

**RECOMMENDATION – Lead the coordination of legislative efforts across jurisdictions.**

**RECOMMENDATION – Engage youth in developing a federal plan to educate young Canadians about cyberbullying, the law, and to encourage respectful online communications.**

## Restorative justice

Given the number of young children navigating the internet and interacting using digital communications, the government ought to consider enforcement measures that are age appropriate and that prioritize restorative justice. For instance, Grade 4 students (24% of whom have their own cellphones and personalized access to the internet) are 9 to 10 years of age and cannot be expected to understand the full legal consequences of their actions.

In their study on cyberbullying, the Standing Senate Committee on Human Rights recommended: "That the promotion of restorative justice initiatives be a key component of any coordinated strategy to address cyberbullying developed in partnership by the federal, provincial and territorial governments". By fostering responsibility in the wrongdoer and ensuring accountability and meaningful consequences for the crime, restorative justice directly supports a main principle of the Youth Criminal Justice Act.

Boys and Girls Clubs in British Columbia, Alberta, Yukon and Ontario have been offering youth restorative justice programs for several years with great success. The Okanagan Boys and Girls Clubs has delivered a restorative justice program since 2001 with a success rate of 87 per cent, meaning that nearly nine in 10 youth do not reoffend.

Their program relies on 24 highly trained volunteer facilitators who, in pairs, oversee community panels where the wrongdoer and a guardian, the victim and a police officer gather to right the wrongs that stem from the crime. The wrongdoer must admit the crime and talk honestly about what led to it. The victim talks about what impact the crime has had.

Then everyone on the panel must agree on how to repair the harm, and it must go beyond community service. That frequently involves writing a letter of apology and delivering it to the victim. Sometimes, there's an essay on the nature of crime and community. Often, the wrongdoer earns or raises the money to offset any financial losses stemming from the crime. Sometimes, the youth will go to court as an observer to understand the consequences of committing another crime.

Given the pervasive use of cell phones, social media and the internet among children and youth, a restorative approach to disrespectful and illegal online behaviour should be adopted in all but the most severe cases.

**RECOMMENDATION – Allow youth to take responsibility for their actions and repair the harm they have done by favouring a restorative justice approach in all but the most severe cases.**

## Conclusion

Boys and Girls Clubs of Canada (BGCC) support the government's efforts to criminalize the sharing of intimate images without consent, and encourage the government to also ensure the privacy rights of youth are protected in the process.

Most importantly, BGCC urges the government to seek meaningful youth engagement and leadership in all matters pertaining to the development of legislation, policies and programs that affect them. Organizations like ours can accompany youth to participate in informing decisions and Bills such as C-13, and we encourage the government and the Committee to reach out to us for support.

## About Boys and Girls Clubs of Canada

Boys and Girls Clubs of Canada is dedicated to supporting and encouraging children and youth as they grow and develop. We are a national charity serving 200,000 young people in more than 650 locations across Canada. We listen to their opinions and ideas, applaud their accomplishments, lend support during their struggles and provide ways to explore their interests and talents. With this encouragement they develop the confidence and sense of belonging that helps them succeed in school, form positive relationships and mature into responsible, caring adults. For over 110 years we have welcomed children, youth and their families into clubs that reflect the diversity of Canada in small and large cities, rural communities and First Nations Reserves. Visit [www.bgccan.com](http://www.bgccan.com) and follow us at [www.facebook.com/bgccan](https://www.facebook.com/bgccan) and [www.twitter.com/bgccan](https://www.twitter.com/bgccan).

No two clubs are alike: each Club develops programs in response to the needs of the young people and families in its local community. A visitor to any one of our locations might see activities such as: a cooking and nutrition class; a basketball tournament; a class for parents of pre-teens; three 15-year-olds filming a video; a 10-year old doing his math homework; or a staff member sitting quietly with a girl in Grade 3 who was picked on during recess. Our 4,500 trained full- and part-time staff and 14,500 volunteers know that the voices, insights and wisdom of young Canadians are our best guide for creating the programs and settings that will help them reach their full potential.

A good place to be