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UNESCO Chair on Tackling Bullying in Schools  
and Cyberspace through a Global Partnership  
for Equality and Wellbeing with Dublin City University

**Submission to the Joint Oireachtas Committee  
on Justice and Equality on Harmful Communications**

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## **Introduction**

The National Anti-Bullying Research and Resource Centre (ABC) is a university designated research centre located at DCU Institute of Education. The Centre undertakes studies on issues related to bullying and cyberbullying and develops resources and training to tackle these problems. Researchers at ABC were the first in Ireland to undertake academic research on school bullying (1996), workplace bullying (1998), homophobic bullying in schools (2003) cyberbullying (2009), and the relationship between mental health and sexting (2019). The Centre hosts the UNESCO Chair on Tackling Bullying in Schools and Cyberspace, and the International Journal of Bullying Prevention (Springer). It provides to post-primary schools an anti-bullying and online safety programme called FUSE.

The Centre receives public funding from the European Commission, the Government of Ireland, the Higher Education Authority, and the Irish Research Council. It has also received grants from Social Innovation Fund Ireland, Facebook, Vodafone, Dublin City Council, the HSE, and the GAA.

We thank the Committee for inviting us to join in their deliberations. The scope of our analysis that we offer is based on our own psychological and sociological research undertaken in Ireland and with international partners.

## **Cyberbullying – What is it?**

Bullying has been, and continues to be, a negative behaviour that occurs among individuals in society. In recent times despite the obvious and overwhelming advantages of the internet and related technologies, online victimisation continues to be a problem. This victimisation occurs in a variety of ways including what is called cyberbullying, trolling, flaming, online harassment, cyberstalking, denigration, masquerading, blackmail and non-consensual sharing of intimate images (O’Higgins Norman and Connolly, 2011).

Cyberbullying has been defined as “willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices” (Hinduja & Patchin, 2009:5). We believe that when considering how to shape law it is important to have a clear definition of the different types of victimisation that can occur online so that associated remedies and penalties can be designed to address negative behaviour in an age appropriate manner.

## **Cyberbullying – How common is the problem?**

Cyberbullying prevalence rates vary significantly from study to study (this reflects the differences in how cyberbullying is measured, and disagreements around the definitions of cyberbullying). Prevalence rates can vary (in different countries and for different age groups) from 6.5% to 72% (Görzig, Milosevic & Staksrud, 2017 cf. Kowalski et al., 2014, Tokunaga, 2010).

A recent meta-analysis of all published cyberbullying studies in Ireland found a cyber-victimisation rate of 13.7% for primary and 9.6% for post-primary students (Foody, Samara, & O’Higgins Norman, 2017).

In another study we have just finished we found that 57% of 15-18 year olds had been asked in the past to share a sexual image of themselves. However, only 24% said that they actually sent sexual photos to others online (nearly equal across males and females). We also found that 44% of the sample said they received sexually explicit images without asking for or wanting them (majority of these were female). In the same study we found that 13% had a sexual image shared without their consent. The biggest portion of the sample (27.4%) reported that someone their own age had shared the image, 23.6% said a close friend and 14.2% said a stranger. When asked who they told when this happened 48.6% said nobody, 46.7% said a friend, 2.9% said a parent and 1.9% said the website or application (Foody, Laffan & O’Higgins Norman, in preparation for publication in 2020).

While we adults tend to worry about stranger-danger, a child or young person is more likely to be cyberbullied or to have had a sexual image of themselves shared without consent by a friend or someone they know. It goes without saying that laws should exist to deal with adults who abuse children online. However, it is equally important that issues related to online safety are dealt with through education in order to avoid children and young people engaging in behaviour that they may ultimately regret. We note the current revision of the Relationships and Sexuality Education (RSE) programme by the National Council for Curriculum and Assessment (NCCA) and we suggest that the revised RSE curriculum take account of children and young people’s needs where cyberbullying, sexting and the non-consensual sharing of sexual images are concerned

### **Cyberbullying – Where does it happen?**

Cyberbullying can take place wherever young people gather to connect, make friends or entertain themselves online. In another study of over two thousand adolescents aged between 12-16 years old, we found gender differences where victimisation was more likely to occur through messaging platforms and social networking sites for females (e.g., WhatsApp/Snapchat) and on gaming platforms for males (Foody, McGuire, Kuldass & O’Higgins Norman, 2019).

While social media and platforms such as Facebook, Twitter and Google have come under a lot of attention in recent times, insufficient attention has been given to the spaces that young people tell us they are more likely to use such as gaming platforms, YouTube, and an ever increasing range of apps that can be used to groom and bully children and young people.

At our Centre we have already developed the national anti-bullying website ([www.tacklebullying.ie](http://www.tacklebullying.ie)) on which we maintain an “app watch” that can be consulted by parents, teachers and young people who are concerned about which latest app might be used for cyberbullying. *SimSimi*<sup>1</sup> and *Yubo* (formerly Yellow) are just two that we have highlighted in the past as potentially dangerous for young people (Challenor, Foody and O’Higgins

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<sup>1</sup> See <https://www.irishtimes.com/news/education/simsimi-app-linked-to-bullying-suspends-access-to-irish-users-1.3029753>

Norman, 2018). Furthermore, in relation to gaming, often concerns about addiction mask more imminent dangers such as cyberbullying which can often occur with online games where up to 50% of players report having being bullied.<sup>2</sup>

We would recommend that legislation aimed at tackling online harassment and cyberbullying should give at least equal attention to ever evolving “apps”, and gaming platforms as a possible means of cyberbullying and other forms of online victimisation.

### **Cyberbullying – Who is vulnerable?**

The negative effects of cyberbullying and other forms of online harassment can be devastating for children and young people. International research shows that some children and young people report feelings of depression, anger, and frustration. These often result in lower self-esteem and anxiety (Hinduja & Patchin, 2007, 2008, 2009; Hackett, 2013).

However, not all children are equally vulnerable, and a number of different factors will influence their coping strategies in the face of online risks and cyberbullying in particular (Vandoninck & D’Haenens, 2015).

Our study of over two thousand adolescents in Ireland aged between 12-16 years old found that certain elements such as being female, having poor friendship quality and being involved in cyberbullying were associated with higher emotional problems and self-reported depression (Foody, McGuire, Kuldass & O’Higgins Norman, 2019). Understanding which portion of children are affected by cyberbullying and what the characteristics of vulnerable children are is important in terms of developing education to build their resilience and laws to protect them.

Perhaps rather than focusing on technological solutions that target all children indiscriminately (e.g. age limitations or filtering, see e.g. in case of pornography filters: Przybylski & Nash, 2018), it might be more effective to think in terms of designing solutions that provide help to those children who need it and ensure adequate prevention measures are in place. It is not uncommon for children to circumvent age restrictions or even for parents to help them do so if they think their children should have access to social media (Hargittai, Schultz & Palfrey, 2011). Consequently, there is a need for all stakeholders to work together to develop a number of educational and legal strategies that help to promote online safety and minimise the effects of online victimisation.

### **Cyberbullying – What types of laws and regulation might help?**

We welcome the decision of the Government to develop legislation to tackle online harassment and cyberbullying. However, we point out that some of the existing laws that have been judged to be inadequate would have been more effective had greater resources and training been assigned to those charged with implementing them. The Non-Fatal Offences Against the Person Act (1997) is a case in point.

It is also important to note that some of the earlier legislation, proposed or passed in the United States and Canada in the aftermath of tragic high profile cyberbullying incidents (where

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<sup>2</sup> See <https://www.ditchthelabel.org/battle-royale-bullying-how-to-report-in-game-abuse-in-fortnite/>

children died by suicide in relation to cyberbullying), some of which attempted to criminalise cyberbullying, had been strongly criticised by experts in public discussions<sup>3</sup> or struck down as unconstitutional<sup>4</sup> (Milosevic, 2018; see also Bulger et al., 2017).

Legislators should therefore be particularly careful with calls for legislation in the aftermath of such high-profile incidents. Banning or vilifying one app or a type of technology<sup>5</sup> will not stop another one from appearing and it is not a long-term solution for the problem. Furthermore, while rightly insisting that offending material is swiftly taken down by social media and internet services, it is also important to remember that the actual removal of harmful material may not be enough to completely tackle cyberbullying behaviour. This is because cyberbullying is often an extension of conflict or bullying taking place in the schoolyard and tends to be pervasive. The most effective response to cyberbullying and online victimisation requires close engagement with all relevant stakeholders. We note that in Australia the Office of the E-Safety Commissioner promotes this type of ‘hybrid’ approach to tackling cyberbullying and provides a model that we may follow in Ireland if we are to achieve a change in the culture of online behaviour in a systematic and sustainable way.<sup>6</sup>

We support the Irish Society for the Prevention of Cruelty to Children’s call that legislation should not be used to criminalise children or teenagers. In our experience children and young people often lack intention and/or an awareness of the harm that their behaviour may cause to others. It seems more appropriate to us that when someone under 18 years of age engages in online victimisation that other remedies such as counselling and education should be used.

An important element of self-regulatory approaches has been the requirement for companies to develop robust reporting tools and to remove cyberbullying content (Blum Ross et al., 2018; Lievens, 2016; Milosevic, 2018; O’Neill, 2014). Companies have also been asked to provide resources and help features on their platforms aimed at raising awareness of this issue and of tools they provide to assist their users in bullying situations.

Previous evidence points to the issue of companies not removing cyberbullying or harassing content rapidly enough or in some cases at all (Milosevic & Vladislavljević, forthcoming; Milosevic, 2016, 2018, Van Royen, Poels, Vandebosch, 2016; Donoso 2011, Staksrud & Lobe, 2010). There is, furthermore, a lack of robust evidence on the effectiveness of reporting and other tools that companies provide. Commissioning research into the evaluation of effectiveness of company self-regulatory measures should precede and inform any further steps about regulation. If companies cannot ensure that bullying content is removed in time, an independent oversight body could be considered to help ensure that such content is removed (Briggs, 2018).

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<sup>3</sup> American Civil Liberties Union. (2009). Re: Subcommittee hearing on ‘Cyberbullying and other online safety issues for children’. Retrieved from [https://www.aclu.org/files/images/asset\\_upload\\_file92\\_41198.pdf](https://www.aclu.org/files/images/asset_upload_file92_41198.pdf) and Digital media safety and literacy education and youth risk online prevention and intervention: Hearings before Subcommittee on Crime, Terrorism, and Homeland Security, 111th cong. (2009) (testimony of Nancy Willard). Retrieved from: [https://judiciary.house.gov/\\_files/hearings/pdf/Willard090930.pdf](https://judiciary.house.gov/_files/hearings/pdf/Willard090930.pdf)

<sup>4</sup> <https://www.cbc.ca/news/canada/nova-scotia/cyberbullying-law-struck-down-1.3360612>

<sup>5</sup> <https://www.independent.ie/world-news/europe/david-cameron-calls-on-people-to-boycott-ask-fm-following-teens-suicide-29483643.html>

<sup>6</sup> See Australian Communications and Media Authority and Office of the eSafety Commissioner annual reports 2018–19. Retrieved from <https://www.acma.gov.au/theACMA/annual-report>

Nonetheless, cyberbullying is not merely an online safety issue, but it can, like face-to-face bullying, also be a behavioural problem (if it happens within relationships and in the process of social positioning<sup>7</sup>).

While we do not question the necessity to remove cyberbullying content, both as a clear signal that cyberbullying should not be tolerated, and as a way to help the bullied child, we find in research that this remedy is often insufficient (Milosevic, 2016; Milosevic & Vladisavljević, forthcoming; Van Royen et al., 2016). Therefore, any piece of legislation that only or predominantly focuses on content removal might miss the opportunity to address the problem at a level beyond merely addressing the symptoms.

Currently, companies are employing a number of tools to address the issue of cyberbullying and related behaviours such as self-harm, and the effects of these tools on users as well as the effectiveness of these tools remain largely understudied beyond the testing that is done by the companies themselves. This is especially the case regarding the use of artificial intelligence (AI) for these purposes (Auli et al., 2019).

Provided that ethical safeguards and data handling can be ensured, independent researchers should be provided with access to data that currently only companies' in-house research units have access to, the recommendation could be to allow the independent researchers to investigate the effects and the effectiveness of companies' tools.

It might be worth considering making it a requirement for social media industry to fund a portion of prevention and intervention measures.

This could include asking the industry to supplement Government funding for psychological counselling services available to children involved in cyberbullying; this could also entail providing funding for helpline services which offer counselling and educational support in order to prevent future incidents.

Securing funding for educational measures aimed at prevention could also be considered. Asking the industry to assist with funding necessary to create a national, standardised cyberbullying prevention and intervention curriculum, which would include online safety instruction, and which would be deployed to schools, sports clubs, youth clubs, on-line training, advertisements, marketing, parenting, etc. across the country, could also potentially constitute a way forward.

## **In Conclusion**

We suggest that:

- Banning or vilifying one app or type of technology will not stop another one from appearing and it is not a long-term solution for the problem.
- Cyberbullying is not merely an online safety issue but can also be a behavioural problem, therefore removing the content may not solve the conflict which can continue on other platforms or offline.
- Any piece of legislation that only or predominantly focuses on content removal might miss the opportunity to address the problem at a level beyond merely addressing the symptoms.

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<sup>7</sup> For more on this term, see Thornberg, 2015

- Provided that ethical measures and data protection are adequately safeguarded, independent researchers should be provided with access to data that currently only companies in-house research units have access to, so they can investigate the effects and effectiveness of companies' tools.
- Make it a requirement that funding is provided for prevention and intervention measures, as well as educational strategies to help children and young people affected by cyberbullying and children who are vulnerable.
- These would include, funding for psychological services and helpline services and for the creation of a national standardised cyberbullying prevention and intervention curriculum, which would include online safety instruction and would be deployed to schools, sports clubs, youth clubs, on-line training, advertisements, marketing, parenting, etc. nationwide.

Finally, we note a lack of direct engagement with children and young people on the issues of online harassment and cyberbullying. The UN Convention on the Rights of the Child (1989) is clear that children's views must be considered and taken in to account in all matters affecting them (Article 12). As such we encourage the Committee to engage with youth organisations, as well as children and teenagers at schools, in order to fully understand their experiences and concerns where online harassment and cyberbullying are concerned.

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