

***Cyberbullying Hurts:  
Respect for Rights in the Digital Age***

**Standing Senate Committee  
on Human Rights**

The Honourable Mobina S. B. Jaffer  
*Chair*

The Honourable Patrick Brazeau  
*Deputy Chair*

**December 2012**

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## MEMBERS OF THE COMMITTEE

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The Honourable Mobina S. B. Jaffer, Chair

The Honourable Patrick Brazeau, Deputy Chair

*The Honourable Senators:*

Raynell Andreychuk

Salma Ataullahjan

Mac Harb

Elizabeth Hubley

Thanh Hai Ngo

Vernon White

Rod A. A. Zimmer

*Ex-officio members of the committee:*

The Honourable Marjory LeBreton, P.C., (or Claude Carignan) and James Cowan (or Claudette Tardif).

*Other Senators who have participated from time to time in the study:*

The Honourable Senators George Baker, Pierre-Hugues Boisvenu, Jean-Guy Dagenais, Linda Frum, Don Meredith, Nancy Ruth, Dennis Glen Patterson and John D. Wallace.

*Parliamentary Information and Research Service, Library of Parliament:*

Lyne Casavant, Dominique Valiquet and Julian Walker, Analysts, Rebecca Katz, Intern.

*Senate Committees Directorate:*

Daniel Charbonneau, Clerk of the Committee

Debbie Larocque, Administrative Assistant

*Senate Communications Directorate:*

Ceri Au, Communications Officer

## ORDER OF REFERENCE

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Extract of the *Journals of the Senate*, Wednesday, November 30, 2011:

The Honourable Senator Jaffer moved, seconded by the Honourable Senator Munson:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon the issue of cyberbullying in Canada with regard to Canada's international human rights obligations under Article 19 of the United Nations Convention on the Rights of the Child;

That, notwithstanding Rule 92, the Standing Senate Committee on Human Rights be empowered to hold occasional meetings *in camera* for the purpose of hearing witnesses and gathering sensitive evidence; and

That the committee submit its final report to the Senate no later than October 31, 2012, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

The question being put on the motion, it was adopted.

Extract of the *Journals of the Senate*, Wednesday, June 27, 2012:

The Honourable Senator Jaffer moved, seconded by the Honourable Senator Fraser:

That notwithstanding the Order of the Senate adopted on November 30, 2011, the date for the final report of the Standing Senate Committee on Human Rights on cyberbullying in Canada be extended from October 31, 2012 to December 14, 2012.

The question being put on the motion, it was adopted.

Gary W. O'Brien  
*Clerk of the Senate*

## EXECUTIVE SUMMARY

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Young people across our country are confronted with a new challenge, one that many parents, educators and policy makers often have great difficulty understanding. Bullying, which was once something youth encountered at school and on the playground, has now made its way into our homes by way of the Internet and electronic devices. Today, in addition to the social, verbal and physical abuse many students are already forced to endure, cyberbullying is yet another form of harassment that continues to victimize our children.

Cyberbullying involves the use of electronic devices such as computers and cell phones to intimidate, embarrass, threaten or harass a person or group. Sometimes inappropriate and hurtful comments are posted on Internet sites, embarrassing photos or videos are emailed, or harassing texts are sent by cellphone. The anonymity permitted by certain forms of online social interaction can give the bullies a false impression that they can say anything they wish, no matter how hurtful, with little consequence for themselves or for the person they might have harmed.

Most frightening for many victims are the videos, photos and stories posted in social media that can be almost impossible to remove from the Internet and may potentially be seen by countless viewers around the world. As many youth and adults carry their mobile phones and other information and communication technologies (ICTs) wherever they go, cyberbullying can be difficult to escape. If the evidence of their having been bullied remains available online, it can continue to haunt a victim well after the cyberbullying has stopped.

One recent study has suggested that thirty-four per cent of nine to seventeen year olds say that they have been victims of bullying during the school year, of which twenty-seven per cent were victims of cyberbullying. Another study concluded that Canadian high schools experience 282,000 incidents of bullying every month. While bullying statistics frequently vary among studies, most tend to indicate that the rates of cyberbullying among youth fall between ten and thirty-five percent.

In *Cyberbullying Hurts: Respect for Rights in the Digital Age*, the Standing Senate Committee on Human Rights examines the phenomenon of cyberbullying and its impact on young Canadians. On November 30, 2011, the Standing Senate Committee on Human Rights was given the mandate to examine and report upon this issue with regard to Canada's human rights obligations under Article 19 of the United Nations' *Convention on the Rights of the Child* (the "Convention"). This article requires that countries who have signed the Convention take appropriate steps to protect children from all forms of physical and mental violence, including cyberbullying. Although we heard from many experts in this field, it is the voices of the young witnesses the Committee met with that are particularly important, for it is their generation that will most significantly shape how this technology is used in the future.

The Committee learned that cyberbullying is a serious issue that demands an effective national response. Canadian youth and the experts working with them are very concerned that more needs to

be done to raise awareness about the harmful impacts of cyberbullying and to help those that have been affected by it – the victims, the bullies as well as the bystanders.

This report presents the Committee’s findings with respect to the nature of cyberbullying and its impacts, the roles that stakeholders can play in addressing it and the best practices that are emerging in dealing with it. In order to better ensure a consistent response across Canada to this challenge, the Committee recommends in its concluding chapter, **Chapter Seven: Responding to Cyberbullying: the Committee’s Recommendations and Observations**, that the federal government work with provincial governments and relevant stakeholders (including children) to help establish a coordinated strategy to address cyberbullying. This strategy should include, among other things, a plan for raising awareness about the issue, for sharing best practices and for promoting the programs that are available for children and parents. It should also promote restorative justice initiatives, human rights education and the values of “digital citizenship” (a concept discussed in the report in reference to appropriate conduct and respect in social interaction online and with telecommunications devices).

To increase our collective understanding of cyberbullying, the Committee recommends that a task force be considered to develop a workable definition of cyberbullying and to establish a uniform manner of monitoring it nationally. We further recommend support for long-term research initiatives into cyberbullying and the influence of ICTs on the social and emotional development of young people. There is also a need for finding ways to make the Internet safer for children and facilitating the taking down of offensive, defamatory or otherwise illegal content from websites.

In **Chapter Two: A Portrait of Cyberbullying**, the Committee examines current research and knowledge about cyberbullying, including the extent of its problems and challenges, its causes and related risk factors, and who is being most affected by it. We also identify protective factors to help address cyberbullying, such as peer intervention and the creation of tolerant and respectful school cultures, and examine the role played by ICTs in the lives of Canadian youth.

Like traditional bullying, much of cyberbullying is grounded in discrimination, ignorance and a lack of respect for the rights of others. People who belong to minority groups or who are perceived as different are especially vulnerable, such as those who have a disability, are overweight, are members of ethnic minority groups, or, in particular, those who identify as – or are perceived to be – lesbian, gay, bisexual or transgendered. Cyberbullying can have negative long-term impacts on the development of young people, both for the bullies and the victims. Cyberbullying can even at times play a role in suicide. However, evidence-based research suggests that there are ways to reduce the prevalence of cyberbullying and to minimize its harmful impacts on children’s physical, emotional and mental health. In **Chapter Three: The Repercussions of Cyberbullying**, we explore these negative effects and some of the ways they can be addressed.

Children have the right to feel safe and secure, in particular when at school. In addition to the right to be free from physical and mental violence, the Convention guarantees the right for children



to receive an education and to enjoy the highest attainable standard of health. As a signatory to the *Convention*, Canada has an obligation to its children to protect these rights and to take all appropriate measures to address cyberbullying. **In Chapter Four: Taking a Human Rights-Based Approach to Cyberbullying**, the Committee explores how taking a human rights approach can help ensure that children’s best interests are being properly respected in the policy decisions that affect them with regard to these issues.

Many witnesses strongly endorsed a “whole community approach” to cyberbullying, meaning that all members of the community have roles to play in discouraging bullying behaviour, including: children, parents and other adults, teachers, school administrators, politicians, business leaders, social service providers and other experts. **In Chapter Five: Roles and Responsibilities of Stakeholders**, the Committee reviews how by engaging the whole community, children and parents are more likely to receive consistent messages about cyberbullying and make appropriate choices. Responsibility for addressing cyberbullying extends beyond the schoolyard.

The Committee heard that schools should be directly engaging students by discussing cyberbullying issues with them, by using ICTs and social media in classrooms, and in getting them involved in the development of school codes of conduct. Schools should also make teaching human rights and digital citizenship a priority.

Parents should engage with their children in learning how they are using ICTs and help their children by participating in anti-cyberbullying programs. Governments and civil society can coordinate their efforts and together help to inform Canadians about the challenges and solutions for cyberbullying. Governments can also cooperate in developing evidence-based policies in such areas as restorative justice. In Chapter Five, we also explore witnesses’ views on the importance of creating a National Children’s Commissioner.

**In Chapter Six: Developing Best Practices and Better Programs**, the Committee reviews factors that can make anti-cyberbullying programs either effective or unsuccessful. We were particularly mindful of warnings from witnesses that some anti-bullying programs can actually make situations worse if they are not properly tailored for their audience and followed-up with proper evidence-based assessments and review. Programs should empower children and make them feel more confident in their ability to deal with cyberbullying.

Children are still developing cognitively and do not always have the wisdom to avoid cyberbullying behaviours or to seek out the best solutions for dealing with cyberbullying incidents. Many of the children we spoke with emphasized how difficult it can be to find help when they have been bullied or to get adults to listen to them. They need to know that when they require help, the supports are already in place for them. Adults need to be there to not only offer these supports, but also to be role models of respectful behaviour.



# LIST OF RECOMMENDATIONS

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## **Recommendation #1**

The Committee recommends that the federal government work with provincial and territorial governments to help establish a coordinated strategy to address cyberbullying, that:

- Is implemented in accordance with Canada's obligations under the United Nations *Convention on the Rights of the Child*;
- Is developed through consultations with Canadian children;
- Includes a plan for promoting awareness throughout Canada about cyberbullying and the relevant programs available for children and parents;
- Seeks to ensure that anti-cyberbullying programs and resources are available in every region;
- Develops consistent and clear messages regarding cyberbullying and other inappropriate behaviour when using telecommunications technology;
- Seeks to publicly share best practices and evidence-based assessments concerning anti-cyberbullying programs and policies; and
- Establishes mechanisms for further cooperation among relevant stakeholders.

## **Recommendation #2**

The Committee recommends 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.

## **Recommendation #3**

The Committee recommends 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.

## **Recommendation #4**

The Committee recommends that the Government of Canada prioritize working with relevant industry stakeholders to make the Internet safer for children and support these stakeholders in finding ways for removing and monitoring offensive, defamatory or otherwise illegal online content in a manner that respects privacy, freedom of expression and other relevant rights.

## **Recommendation #5**

The Committee recommends that the federal government explore the possibility of working with the provinces and territories to establish a task force whose terms of reference would be to define cyberbullying and to establish a uniform manner of monitoring it nationally.

## **Recommendation #6**

The Committee recommends that the federal government work with the provinces and territories to support long-term research initiatives to enhance our understanding of the phenomenon of cyberbullying and to provide us with information about gender differences, risk factors and protective factors linked to cyberbullying and about the influence of information and communication technologies on the social and emotional development of young people.

## CHAPTER ONE: INTRODUCTION

**Cyberbullying is everywhere, and it really hurts. It makes you want to crawl in a hole and just stay there. It makes you feel like you are the only one and no one is out there to help you; no one can help you. - Shelby Anderson, Student, Springbank Middle School**

**To those people who say that it is nothing, that it is not a big deal and that it is teenagers being dramatic, that is completely wrong. It affects our lives enormously. The outcome of this harassment can lead to poor performance at school, low self-esteem and serious emotional consequences, including depression and suicide, so it is much more than just teenagers being dramatic. - Mariel Calvo, Student, Springbank Middle School**

Bullying has been experienced by generation after generation, but a recent form of this phenomenon is particular to the Internet age and the arrival of mobile telecommunications devices. Cyberbullying involves harmful or harassing communications that are made using cell phones, computers or other similar devices and that have the potential to be repeated through sharing messages with others who also use this technology.<sup>1</sup> Where bullying was once perpetrated mostly on school grounds, allowing the victim to find some refuge in the safety of their private home, modern communication technologies allow the victimization to continue anywhere and anytime.

In recent years, bullying, and in particular cyberbullying, have received significant national attention. These issues are regularly featured in news headlines, perhaps contributing to growing public opinion that bullying has reached alarming or even “crisis” levels among today’s youth. In recent years, several provinces have introduced new laws that create mandatory anti-bullying school programs.<sup>2</sup> After a number of bullying-related suicides, Nova Scotia created a taskforce to come up with “pragmatic and practical strategies” to address these issues.<sup>3</sup>

On 30 November 2011, the Standing Senate Committee on Human Rights (the Committee) was mandated by the Senate to study the issue of cyberbullying in Canada. We conducted hearings with over sixty witnesses, including academic researchers, volunteers, website operators, government departments, non-government organisations, teachers and students. We heard that cyberbullying is a serious issue that demands an effective national response. We heard that cyberbullying is not clearly understood, and requires more evidence-based research and innovative solutions. We also heard, however, that, for the most part, today’s youth are using modern

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<sup>1</sup> Several examples that illustrate what can be involved with cyberbullying are set out in subchapter 2.B “Forms of Cyberbullying”.

<sup>2</sup> For more on provincial initiatives, see footnote 283.

<sup>3</sup> Nova Scotia Task Force on Bullying and Cyberbullying, <http://cyberbullying.novascotia.ca>.

technology to their benefit and the benefit of others and most of them are not engaging in cyberbullying.

Although adults can also be perpetrators or victims, cyberbullying is a unique aspect of growing up for today's children<sup>4</sup> that can have a significant impact on their development and futures. Given our experience in reporting on issues pertaining to children's rights,<sup>5</sup> the Committee chose to focus its cyberbullying study on Canada's international human rights obligations under the United Nations *Convention on the Rights of the Child* (the "Convention")<sup>6</sup> and what needs to be done to ensure we are meeting them. In particular, we examined Article 19, which recognizes a child's right to be free from all forms of physical and mental violence.

The voices of children feature throughout this report. When it comes to cyberbullying, they are the true experts who can help find the appropriate solutions. We met with children during our hearings, both publicly with students from Springbank Middle School in Alberta and privately with others who were willing to come and speak to us about their experiences with cyberbullying. Their testimony shows that this generation is comfortable with new technology, social media and the Internet in a way that most adults may never come to understand. They also seem more at ease in discussing cyberbullying, though also more mindful of how serious and harmful its impacts can be. Their testimony was powerful and helped shape the Committee's response to the problems of cyberbullying.

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<sup>4</sup> This report uses the term "child" in accordance with Article 1 of the United Nations *Convention on the Rights of the Child*, which defines a child as a human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier (which in Canada is eighteen or nineteen depending on provincial legislation). While this definition is appropriate in legal contexts, the word "youth" may be used in reference to older children in this report.

<sup>5</sup> See for example: Standing Senate Committee on Human Rights, *Who's in Charge Here? Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, November 2005, [www.parl.gc.ca/38/1/parlbus/commbus/senate/com-e/huma-e/rep-e/rep19nov05-e.htm](http://www.parl.gc.ca/38/1/parlbus/commbus/senate/com-e/huma-e/rep-e/rep19nov05-e.htm); *Children: The Silenced Citizens, Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, April 2007 <http://www.parl.gc.ca/39/1/parlbus/commbus/senate/com-e/huma-e/rep-e/rep10apr07-e.htm>; *The Sexual Exploitation of Children in Canada: the Need for National Action*, November 2011, <http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf>.

<sup>6</sup> United Nations, *Convention on the Rights of the Child*, A/RES/44/25, 20 November 1989, <http://www2.ohchr.org/english/law/crc.htm>.

## CHAPTER TWO: A PORTRAIT OF CYBERBULLYING

**I think [cyberbullying is] a problem that we need to change. It is so deeply ingrained in society now, especially my generation. We grew up with the Internet. It is our domain. We have helped build it and now it is time I guess to take action and make sure we are not looking at it as a tool to spread hate. It is a means to connect people.**  
- A youth (*in camera* witness)

**I think maybe even adults do not know what cyberbullying is. Everyone needs to know how serious it really is.** - Emily Dickey, Student, Springbank Middle School

**Every day of my life ever since I joined this school they have come on MSN and have started making fun of me. This all started when I was in grade 9. These girls would come online and start making fun of me. They would call me names say things like-you're a fag, gay, stupid, loser, nigger, an asshole, ugly . . .** - A youth (*in camera* witness)

What is cyberbullying? What do we know about the extent of this problem? Why do young people engage in cyberbullying? What are the related risk and protective factors? Who is primarily involved in it, and what roles do new information and communication technologies play in the lives of youth? These are the questions that this chapter explores, based on the evidence presented and the briefs submitted to the Committee throughout this study.

### **A. What is cyberbullying?**

#### **1. A hard-to-define concept**

Cyberbullying, also known as electronic bullying, online bullying and online harassment,<sup>7</sup> is a relatively recent phenomenon that can be understood only in the context of traditional bullying and the development of information and communication technologies (ICTs).

Although most Canadians are aware of examples of incidents of cyberbullying, in particular due to stories that have been reported in the media, the concept itself is actually hard to define.

A universal definition of cyberbullying does not yet exist, which is very important. One definition of cyberbullying is that it is the use of communication and information technology to harm another person. It can occur on any technological device and it can include countless behaviours to do such things as spread rumours, hurt or threaten others, or to sexually harass.

Faye Mishna

<sup>7</sup> The expressions “cyberbullying,” “electronic bullying,” “online bullying” and “online harassment” are used interchangeably throughout this report. The expressions “traditional bullying,” “in-person bullying” and “face-to-face bullying” also are used interchangeably. Lastly, the expression “bullying” is used to refer to traditional bullying and cyberbullying simultaneously.

Faye Mishna, a psychologist and professor at the University of Toronto who has conducted several studies on cyberbullying, has stated that a “universal definition of cyberbullying does not yet exist.”<sup>8</sup> Specialists in Canada and other countries do not agree on what elements should be included in the definition. This lack of consensus creates some significant challenges for our ability to understand this phenomenon and take steps to address it.

The lack of a common definition for cyberbullying is another reason that there is not a clearer understanding of this phenomenon. A behaviour that one person regards as cyberbullying may not match someone else’s definition of the term.<sup>9</sup> The use of differing definitions also contributes to the substantial differences seen in research findings (in particular regarding the prevalence of cyberbullying) as well as to some contradictory research results (for example, concerning the differences between the cyberbullying behaviours of girls and boys).

In her appearance before the Committee, Rola AbiHanna, a guidance consultant and member of the Nova Scotia Task Force on Bullying and Cyberbullying,<sup>10</sup> made the following remarks about the difficulty of defining bullying:

We thought the definition for bullying was something we would be able to put together quickly. It ended up being the most daunting of all our tasks. How you define bullying is very critical. Trying to define it from a different perspective or different lens became an issue for us. Do you create a definition that is from the lens of the person being targeted? Do you develop it from the lens of the person who is required to put down a consequence or boundary? Do you develop it from the lens of the person who is perpetrating that behaviour?<sup>11</sup>

Throughout this study, numerous witnesses discussed the importance of supporting the development of a definition of cyberbullying and a uniform, consistent vocabulary in order to make interventions with young people more effective.<sup>12</sup> Tina Daniels, a psychologist who has been studying aggressiveness and conflict resolution for over 20 years, asserted that “[a]n important aspect of addressing the issue in a country is that children have a common language and they get that same message across a wide variety of their experiences.”<sup>13</sup> The adoption of a uniform definition of

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<sup>8</sup> Faye Mishna, *Evidence*, 30 April 2012.

<sup>9</sup> Cathy Wing, Co-Executive Director of the Media Awareness Network, stated: “The term ‘cyberbullying’ has little resonance with young people. As Danah Boyd of the Berkman Center for Internet & Society has noted, what adults may consider cyberbullying youth will describe as getting into fights, starting something or simply drama.” *Evidence*, 30 April 2012.

<sup>10</sup> The Nova Scotia Task Force on Bullying and Cyberbullying was established in April 2011 in response to the suicides of three young women in Nova Scotia and to the growing concerns about bullying in the province’s schools. The Task Force’s report, *Respectful and Responsible Relationships: There’s No App for That*, was submitted by Task Force chair Wayne MacKay on 29 February 2012. This report, which contains 85 recommendations, is available at <http://cyberbullying.novascotia.ca/thereport.php>.

<sup>11</sup> *Evidence*, 11 June 2012.

<sup>12</sup> In its written submissions to the Committee (17 August 2012), the United States Department of Education noted its concern about the lack of a consistent definition of bullying in both research and policy and noted that it will be releasing a report with the Centers for Disease Control and Prevention later in 2012 intended to “help align” research and statistics in this field.

<sup>13</sup> Tina Daniels, *Evidence*, 7 May 2012.



cyberbullying would also let us devise methods of measuring this phenomenon,<sup>14</sup> identify the individuals who are at greatest risk and target our interventions accordingly. In its submission to the Committee, the organization Kids Help Phone stated the following:

Definitions of bullying and cyberbullying should be consistent across provinces with clear information provided to parents and school officials regarding what constitutes bullying and cyberbullying, the types of off-site behaviour that will be captured by these provisions, and to assist in determining appropriate actions to take in each circumstance.<sup>15</sup>

## 2. Common elements among the various definitions

The witnesses who appeared before the Committee presented several definitions of the concept of cyberbullying.<sup>16</sup> Despite the differences in the witnesses' viewpoints, some common elements can be identified.

Firstly, all of the witnesses agree that cyberbullying involves the use of electronic devices (computers, cell phones and other electronic devices) to intimidate, embarrass, threaten or harass a person or group. But the witnesses also told us that cyberbullying is first and foremost a problem of human relations, and not of technology.<sup>17</sup> In this regard, Faye Mishna stated: "It is important not to blame technology. Cyberbullying is embedded in relationships."<sup>18</sup> Similarly, the representative of Egale Canada, Helen Kennedy, stated that "cyberspace is not the criminal."<sup>19</sup>

Secondly, we found that cyberbullying is a form of bullying, an extension of traditional bullying.<sup>20</sup> "Until now, there have been three broad forms of bullying: physical, social and verbal. Now we have cyber."<sup>21</sup> It is in these same terms that the representatives of Childnet International explain the problem of cyberbullying to children in schools. Chief Executive Officer William Gardner stated the following: "In broad terms, the message is that cyberbullying is bullying. There are some features about the technology that make it different, but in its essence it is bullying."<sup>22</sup>

Lastly, most of the witnesses asserted that cyberbullying, like traditional bullying, presupposes that the bully has acted wilfully to inflict repeated harm.<sup>23</sup> The definition proposed by Bill Belsey, founder and president of the program Bullying.org, encompasses all three of these elements:

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<sup>14</sup> Faye Mishna, *Cyber Bullying*, written submission to the Standing Senate Committee on Human Rights, 30 April 2012, p. 8.

<sup>15</sup> Submission to the Committee by Kids Help Phone, 14 May 2012, p. 10.

<sup>16</sup> A complete list of the definitions presented during the study appears in Appendix C.

<sup>17</sup> See in particular the *Evidence* of Bill Belsey, 12 December 2011: "Cyber-bullying is not so much about technology, although that plays an important role. More importantly, it is about people, relationships and choices."

<sup>18</sup> Faye Mishna, *Evidence*, 30 April 2012.

<sup>19</sup> *Evidence*, 4 June 2012.

<sup>20</sup> In its brief, UNICEF Canada wrote: "Cyberbullying is essentially an extension of bullying – two sides of the same coin," 28 May 2012.

<sup>21</sup> Faye Mishna, *Evidence*, 30 April 2012.

<sup>22</sup> *Evidence*, 11 June 2012.

<sup>23</sup> Justin Patchin, Co-director, Cyberbullying Research Centre, University of Wisconsin-Eau Claire, *Evidence*, 14 May 2012.

Cyber-bullying involves the use of information and communication technologies that support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm others. The key aspects are: It is deliberate, repeated and has intent to harm others. That is what makes bullying, bullying. Whether it is physical, verbal, psychological or social, those are the three key aspects that most of the world's major researchers and academics agree upon.<sup>24</sup>

Wendy Craig is a professor in the Department of Psychology at Queen's University, a recognized expert on bullying and, together with Debra Pepler, scientific co-director of the PREVNet program. Dr. Craig stated that the repetitive aspect of this kind of bullying involves not only the repetition itself, but also the "high likelihood or fear of being repeated."

The child who is being victimized by it is harmed and they live in fear that it will happen again. Electronically would mean passing on a link or sharing a video, so it is constantly repeated every time the link gets connected.<sup>25</sup>

Thus cyberbullying is of a repetitive nature, by definition.<sup>26</sup> In this regard, Jennifer Shapka, an expert in human developmental psychology and a professor at the University of British Columbia, has noted that it is often the virtual bystanders who are "responsible for the repeated humiliation felt by victims."<sup>27</sup> She observed that "[s]ome of the most highlighted cases of cyberbullying in the media were based on a single event, and yet the victim still experienced the event over and over again by having it circulated and re-posted by others."<sup>28</sup> Along the same lines, William Gardner underscored that this element can be hard to prove: "The repetition [...] is also challenging because I can post something up online once, but the repetition comes by people who are viewing it rather than by repeated action, although you could ascertain there would be intent for the repetitiveness."<sup>29</sup>

The elements of intent and repetition found in most of the definitions of cyberbullying that were presented to the Committee were also examined by the Nova Scotia Task Force on Bullying and Cyberbullying.<sup>30</sup> This task force, chaired by Wayne MacKay, concluded that an incident should be regarded as cyberbullying when the perpetrator should have known that his or her behaviour would cause harm to the victim, even if the perpetrator's malicious intent has not been established. This task force also believes that certain incidents should be regarded as cyberbullying even when the element of repetition is absent, because "requiring repetition as an essential element may miss some extreme situations." Here is the recommendation that the Task Force makes with regard to the

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<sup>24</sup> *Evidence*, 12 December 2011.

<sup>25</sup> Wendy Craig, *Evidence*, 12 December 2011.

<sup>26</sup> Faye Mishna, *Cyber Bullying*, written submission to the Standing Senate Committee on Human Rights, 30 April 2012.

<sup>27</sup> *Evidence*, 14 May 2012.

<sup>28</sup> Jennifer Shapka, *Evidence*, 14 May 2012.

<sup>29</sup> *Evidence*, 11 June 2012.

<sup>30</sup> *Respectful and Responsible Relationships: There's No App for That*, Report of the Nova Scotia Task Force on Bullying and Cyberbullying, 29 February 2012. This report is available at: <http://cyberbullying.novascotia.ca/thereport.php>.

definition of bullying and cyberbullying in its report, *Respectful and Responsible Relationships: There's No App for That*:

Bullying is typically a repeated behaviour that is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person's body, feelings, self-esteem, reputation or property. Bullying can be direct or indirect, and can take place by written, verbal, physical or electronic means, or any other form of expression. Cyberbullying (also referred to as electronic bullying) is a form of bullying, and occurs through the use of technology. This can include the use of a computer or other electronic devices, using social networks, text messaging, instant messaging, websites, e-mail or other electronic means. A person participates in bullying if he or she directly carries out the behaviour or assists or encourages the behaviour in any way.<sup>31</sup>

### **3. Terminology**

The Committee found that there are also some diverging views regarding the expression “cyberbullying,” which was first used by Bill Belsey about 10 years ago. Some witnesses said that they preferred the general term “electronic bullying” because this term “is bigger than cyberspace” and “has to do with the ways we communicate information electronically [for the purpose of bullying].”<sup>32</sup> The representative of Egale Canada felt that the term “cyberbullying” “obscures the agency of the bully and suggests that the bully exists only as a function of cyberspace, not in physical space. It minimizes [the seriousness of the behaviour].”<sup>33</sup>

The Committee recognizes that cyberbullying behaviours and their effects are not limited to cyberspace. The Committee did not however consider it necessary to take a position on this matter.

## **B. Forms of cyberbullying**

The evidence showed that cyberbullying is a kind of violence that takes many forms and occurs in many environments, including the Internet, networking sites, text messages, “sexting”<sup>34</sup> and instant messaging. It can be direct (the bully addressing the victim directly) or indirect (rumours, gossip or exclusion). It comprises a wide range of behaviours, including sexual harassment, death threats, posting hurtful or defamatory remarks online, making hurtful comments about someone's physical appearance or way of expressing themselves, and circulating photos or videos that cause harm to the victim. Electronic bullying also covers actions intended to socially exclude an individual or a group. Like traditional bullying, it is a phenomenon that occurs along a continuum of severity,

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<sup>31</sup> Wayne Mackay (Chair), *Respectful and Responsible Relationships: There's No App for That*, Report of the Nova Scotia Task Force on Bullying and Cyberbullying, 29 February 2012, pages 42-43.

<sup>32</sup> Debra Pepler and Wendy Craig, *Evidence*, 12 December 2011.

<sup>33</sup> Helen Kennedy, *Evidence*, 4 June 2012.

<sup>34</sup> “Sexting” means using an electronic device to share sexually suggestive text messages or images.

ranging from minor forms to others that are more insidious and serious. Cyberbullying can also constitute a serious criminal offence.<sup>35</sup>

The following excerpts from the evidence presented by young people provide eloquent examples of cyberbullying.

It is anything from a mean message on Facebook, an inappropriate picture of you fooling around on the Internet that you did not know was taken, an email you received about how ugly, stupid or retarded you are, death threats, and even in text messages.<sup>36</sup>

Some kids make Facebook groups or pages where the sole purpose is to make fun of or humiliate one of their peers. They actually send invites or something like that. They send it out and they say, “Yeah, join this group that is making fun of you and that is saying these awful things about you.” It is not nice, and it really hurts. They also send threatening text messages or comments to another person. They start or spread rumours about someone, but it does not just have to be people from your school.<sup>37</sup>

I have really close friends, and a family member, who went through cyberbullying. They got anonymous messages every day on Formspring, Tumblr, Twitter and everything. They were told that they were ugly and that they should just kill themselves. They do not know who did it. They do not know if it is someone who they know personally or if it is just someone who goes around and sends these messages.<sup>38</sup>

Someone told me there is a group of boys in her school who have a private Facebook group. They take pictures that people in younger grades post on Facebook and add rude and harsh things to them. They show them to the rest of the grade and eventually it makes it back to the person in the photo. That is one of the many examples of cyberbullying.<sup>39</sup>

I started getting bullied a lot in junior high because of my hair colour, because it is orange, and they used to call us gingers and stuff and like just that. When I was in grade nine there was a Facebook thing created. It was called ‘kick a ginger day’. Kids with orange hair would get kicked on that day. I never went to school on that day.... I do not

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<sup>35</sup> It should be stressed that cyberbullying is not expressly defined as a criminal offence in Canadian law, although some of the offences defined in the *Criminal Code* do deal with this phenomenon indirectly, in particular, the provisions regarding uttering threats (section 264.1), criminal harassment (section 264), and public incitement of hatred (section 319).

<sup>36</sup> Shelby Anderson, Student, Springbank Middle School, *Evidence*, 4 June 2012.

<sup>37</sup> Mariel Calvo, Student, Springbank Middle School, *Evidence*, 4 June 2012.

<sup>38</sup> Emily Dickey, Student, Springbank Middle School, *Evidence*, 4 June 2012.

<sup>39</sup> Emilie Richards, Student, Springbank Middle School, *Evidence*, 4 June 2012.

think that is right. A lot of kids have been put in the hospital because of that day, too, not just been kicked but beat and put in the hospital, for having a hair colour.<sup>40</sup>

It was my birthday ... and one of my best friends – well I thought she was my best friend – posted on Facebook and tagged me in it, so she knew everyone I knew and everyone she knew could see it. She posted [a comment about me having sex with other boys] which did not happen. Then hundreds of people started commenting and liking it and saying really mean things about me, and she was deleting all the things that were supporting me or trying to tell her to take it down. People that I worked for saw it; my whole family saw it, all my aunties and uncles. Everyone saw it and [this] is such a small city; everyone in the town knew too.<sup>41</sup>

I [have] been on both ends of the spectrum. I have said things. I have been the bully on the Internet and have had things said to me and sent to me. I see it happen on an everyday basis. It makes me sad because the Internet is a tool meant to connect people and it is meant to expand what is outside our immediate community. It is easy to pick up the phone or write something on the keyboard or say something rude or mean. A lot of us have become so desensitized to it, but it makes an impact and people do remember. It really has quite an effect on how I interact with people and how I live my day-to-day life.... I have come to terms with it now and am ok with it but it still hurts and it hurt a lot worse then.<sup>42</sup>

### **C. Similarities and differences between cyberbullying and bullying in person**

As we have indicated, cyberbullying is not completely different from traditional bullying. Both involve a violation of children's rights, in particular the right to live in a safe and secure environment that is free from violence. Also, cyberbullying is an expression of the same motives as traditional bullying, but by electronic means rather than in person. Here is what Tina Daniels, a professor in the Psychology Department at Carleton University, had to say on this subject:

[...] In many ways, cyberbullying is not very different from traditional bullying. The underlying causes for these behaviours do not differ significantly. Cyberbullying meets the same needs, leads to the same emotions and is motivated by the same desire for power, status and control as are other forms of bullying behaviour.<sup>43</sup>

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<sup>40</sup> A young male witness, *Evidence, in camera*.

<sup>41</sup> A young female witness, *Evidence, in camera*.

<sup>42</sup> Another young female witness, *Evidence, in camera*.

<sup>43</sup> *Evidence*, 7 May 2012.

More and more studies tend to show that these two phenomena overlap considerably. Many of the witnesses stated that cyberbullying is often preceded by bullying at school. According to the information presented by Wendy Craig, only 1 percent of students who bully “are only doing electronically bullying. The other percentages are doing both.”<sup>44</sup> Likewise, only 1 percent of the children being bullied are being victimized only electronically.<sup>45</sup> Professor Justin Patchin, an expert on teenagers’ online behaviour and co-director of the University of Wisconsin-Eau Claire’s Cyberbullying Research Center, also believes that these two phenomena overlap:

[T]raditional bullying and cyberbullying are closely related; that is, those who are bullied at school are often bullied online, and those who bully at school are often doing the bullying online.<sup>46</sup>

Professor Patchin does not think that “technology creates new bullies or new targets.” However, not all of the witnesses agreed with this analysis. The representative of the Anti-Defamation League, Scott Hirschfeld, argues that a far wider array of students is participating in cyberbullying than in traditional forms of bullying.<sup>47</sup>

Sometimes it might be for retaliation. They might not feel the confidence, physical power or social standing to retaliate face to face. They might turn to the online environment to do that. We see social climbing hierarchies where some youth are participating in cyberbullying because they feel it is a way to become more popular or more “in” with a certain crowd. Definitely across the spectrum we are seeing a wider variety of students participating in online cruelty.<sup>48</sup>

Further research will have to be done to clarify this aspect of the phenomenon.

In light of the evidence gathered in this study, bullying and cyberbullying are the expression of aggressive behaviours whose purpose is generally to assert power. Repetition of the harmful behaviour and support from the bully’s peers enable the bully to assert dominance over the victim.

The evidence from our witnesses suggests that peers play a very important role in both traditional bullying and cyberbullying. According to the research conducted by Wendy Craig and Debra Pepler, 85 percent of all cases of bullying occur in the presence of witnesses. With regard to cyberbullying specifically, one study conducted by Faye Mishna reveals that bystanders are present in at least 25 percent of all cases. While some bystanders watch passively and some take sides or encourage the violent behaviour, others may intervene and try to stop it. Peers also have a considerable influence on the progress of the incident. Here is what Wendy Craig told the Committee:

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<sup>44</sup> *Evidence*, 12 December 2011.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Evidence*, 14 May 2012.

<sup>47</sup> *Evidence*, 4 June 2012.

<sup>48</sup> *Ibid.*

[...] The more peers who come, the more aggressive and longer the episode gets. Peers, inadvertently, are supporting bullying. They are there, they are supporting it, and they play different kinds of roles. Sometimes they actively join in by throwing a punch or clapping. Sometimes they do nothing. Sometimes they do intervene; there is a positive piece here. They actually intervene more than adults, which is good, and they can do that because they are present.

When we looked at those same peer roles in terms of the electronic roles, we found that peers engage in the same roles in electronic bullying. In other words, sometimes they intervene; sometimes they are what we call “secondary aggressors” — they pass on the information, they connect with the link; and sometimes they engage in the bullying.

The peer processes online and the peer processes in face-to-face bullying are very similar. That is hugely important when we think about what we will do about the problem. It means that peers have to be part of our solution because they are present, they can let adults know and they have an ability.<sup>49</sup>

The evidence also suggests that intervention by peers can be very effective in putting a stop to bullying. Debra Pepler, a York University psychology professor who is an expert in issues related to at-risk children and aggressive behaviours between peers, stated that analyses of video recordings show that bullying ceases within 10 seconds in nearly 60 percent of all cases when peers intervene.<sup>50</sup> Peers therefore are part of the problem and must be part of the solution. The roles children can play in addressing cyberbullying as bystanders are further discussed in Chapter Five of this report.

Given that bullying and cyberbullying are behaviours that unfold “in a peer context that drives [them],”<sup>51</sup> anti-bullying interventions must also target the group rather than any one young person in particular. Intervention with the group is also warranted by the fact that the research clearly indicates that “bystanders” can suffer significant negative impacts as the results of incidents of cyberbullying. This question is addressed in the next chapter.

Despite some obvious similarities between traditional bullying and cyberbullying, research increasingly tends to show that there are also some important differences. For most of the witnesses, “certain inherent features in communication technologies [...] create additional complexities in social relationships.”<sup>52</sup> Unlike face-to-face interaction, there can be few perceptible signs or indications in cyberspace that another person may be suffering or in distress as a result of what has been said in a virtual relationship. Consequently, people may be less sensitive or show less empathy

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<sup>49</sup> *Evidence*, 12 December 2011.

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*

<sup>52</sup> Faye Mishna, *Cyber Bullying*, written submission to the Standing Senate Committee on Human Rights, 30 April 2012, p. 6.

in their interactions online.<sup>53</sup> In general, the witnesses agree that cyberbullying “can cause distress and effects over and above traditional bullying.”<sup>54</sup> It is these elements distinguishing cyberbullying from traditional bullying that we address in the following sections.

### 1. More intrusive and harder to escape

**The biggest difference between being bullied while in the classroom or playground and being cyberbullied is that we can be targets of cyberbullying 24/7, and that makes you feel as if there is no safe place. Whenever you are at school or home, everywhere you go, you can be a target of this. That puts a huge dent in your life, because you are always pretty shaken up by this and kind of scared. - Mariel Calvo, Student, Springbank Middle School**

**Electronic bullying is pervasive and persistent. Everyone can see it and it is difficult if not impossible to take it back. - Shelley Hymel**

Not that long ago, bullying between young people happened only at school;<sup>55</sup> once students went home, they could feel safer.<sup>56</sup> In the present day, this is not always possible. Information and communication technologies (ICTs) now let bullies intrude into their victims’ lives at any time. As the representative of Egale Canada told the Committee:

It is ubiquitous. There is no safe space left for the victim. We know that children and teenagers often sleep with their cellphones under their pillows and compulsively check through the night, afraid that, if they do not keep messaging, they will be messaged about and find themselves alone on the target range. Perpetrators can act anytime, anywhere, with or without adult supervision, in-between bites at a family dinner.<sup>57</sup>

Similarly, Sharon Wood, President and CEO of Kids Help Phone, told the Committee:

While traditional bullying has been limited in space and time — the playground and after school — cyberbullying has the potential of a global audience, one from which the young people who talk about it have no refuge.<sup>58</sup>

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<sup>53</sup> *Ibid.*

<sup>54</sup> See, for example, the *Evidence* of Faye Mishna, 30 April 2012 and Wendy Craig, 12 December 2011.

<sup>55</sup> Unlike traditional bullying, cyberbullying incidents generally occur away from school. Consequently, parental involvement must be central to any efforts to stop this violence. This issue is discussed in more detail in Chapter 5 of this report.

<sup>56</sup> See, for example, the *Evidence* of Marla Israel, 7 May 2012.

<sup>57</sup> Helen Kennedy, *Evidence*, 4 June 2012.

<sup>58</sup> *Evidence*, 14 May 2012.



As cyberbullying incidents may impact children whether at home, school or anywhere they go, it can be very hard for victims to escape from it.<sup>59</sup> In his evidence to the Committee, Bill Belsey addressed the invasiveness of electronic bullying in the following terms:

This is the one part that adults do not understand. Back in the day, if you were bullied physically, verbally, psychologically or socially, at least when you went home you could listen to music, take your dog for a walk and have some kind of peace or sanctuary. The thing that adults do not understand is that now, with cyber-bullying, those who want to hurt you can get access wherever you have access to the Internet. There is no hiding from this at home, and that is the part adults have a really hard time with. They will say glib things to kids like, “Well, just turn it off.” You cannot because kids all know, in the back of their minds, who is seeing that photo, that post on Facebook, or whatever it may be. They all know that their community and their peers are seeing it, and not just their peers but perhaps a much wider community as well.<sup>60</sup>

In the case of cyberbullying, “[harmful] material can be viewed far and wide and it can be distributed by anyone with access.”<sup>61</sup> Our witnesses agreed that it is almost impossible “for [victims] to escape their tormentors due to the challenges of removing hurtful material from the Internet.”<sup>62</sup> Tina Daniels of Carleton University indicated that it “can take many months to get a hurtful website taken down.”<sup>63</sup> Similarly, Lauren Seager-Smith, co-ordinator of the Anti-Bullying Alliance, said that “[t]ime and time again, we have had reports that it is very difficult to remove content from websites such as YouTube and Facebook and that, even if you do remove it, it does tend to pop up again somewhere else very quickly.”<sup>64</sup>

Jenna Burke, National Youth Policy Coordinator of the Congress of Aboriginal Peoples, spoke in the following terms about the persistence of material that is posted online:

Once a picture or video is up there, that damage is done. That is something unique to this generation. When you are young and make a mistake like that, there is no going back. That could affect you for the rest of your life.<sup>65</sup>

Michel Boivin, a professor at the School of Psychology at Laval University, added that the victims thereby become “prisoners of their reputations.”<sup>66</sup>

This difficulty of escaping cyberbullying may contribute to making it a potentially more damaging phenomenon than traditional forms of bullying. The following words from Tina Daniels

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<sup>59</sup> Faye Mishna, *Evidence*, 30 April 2012.

<sup>60</sup> *Evidence*, 12 December 2011.

<sup>61</sup> Faye Mishna, *Evidence*, 30 April 2012.

<sup>62</sup> Tina Daniels, *Evidence*, 7 May 2012.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Evidence*, 11 June 2012.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Evidence*, 14 May 2012.

nicely sum up the feeling that several witnesses, especially some of the young people, shared with us in discussing the difficulty of escaping cyberbullying:

[I]ndividuals who are victimized [have] “the feeling that the information goes out into the universe and there is no way to take it back. If someone writes a nasty note on a piece of paper, that can be torn up and put in the garbage. However, once it is out on the Internet, it is not able to be retrieved. I know that victims report that that is significantly disturbing to them.”<sup>67</sup>

## 2. An almost unlimited audience

**The audience for bullying back in the day might have been in the schoolyard, but the audience for cyber-bullying can be as large as the Internet itself. - Bill Belsey**

The evidence presented to the Committee suggests that cyberbullying can cause additional suffering because of the number of “bystanders”<sup>68</sup> or the “limitless size of the possible audience.”<sup>69</sup> With cyberbullying, the harmful information can instantly be accessible to a very large number of people, which significantly increases the stress that victims experience. In a similar vein, the representative of Egale Canada stated that “[o]ne comment on social media can quickly escalate to gang assault, leaving the victim feeling alone in the world and humiliated.”<sup>70</sup>

Debra Pepler and Wendy Craig presented two examples to the Committee to illustrate this disturbing aspect of cyberbullying:

I talked to a young man who had been cyber-bullied and a website had been built for him. Virtually everybody in the school had gone on and put all sorts of horrible things up on this site. He said when he walked down the hall he had no idea, when people were smiling at him, whether they were smiling because they appreciated him and wanted to be friendly, or whether they were smiling and laughing about what they had seen on this website. It was so disturbing for him.<sup>71</sup>

In my example, there was a young woman that I work with in a similar situation. A website was put up about her. The website came down within 24 hours but had over 1,000 hits. This young woman, who was from a

<sup>67</sup> Tina Daniels, *Evidence*, 7 May 2012.

<sup>68</sup> See, for example, the *Evidence* of Michel Boivin, 14 May 2012 and the brief from UNICEF Canada dated 28 May 2012.

<sup>69</sup> Brief submitted to the Committee by Kids Help Phone, 14 May 2012.

<sup>70</sup> Helen Kennedy, *Evidence*, 4 June 2012.

<sup>71</sup> Debra Pepler, *Evidence*, 12 December 2011.

small town, developed agoraphobia. She was afraid to leave her home because she did not know who had seen it.<sup>72</sup>

According to Michel Boivin, the ease with which social media make it possible to assemble hundreds and even thousands of people to gang up on victims is another of the elements that distinguish cyberbullying from traditional bullying and “that lead us to believe that cyberbullying is a special case that deserves all of our attention.”<sup>73</sup> Emily Dickey, a student at Springbank Middle School, addressed this aspect during her appearance:

Cyberbullying can also be a lot more hurtful because on the playground they say some things and it is hurtful, but with cyberbullying, people can write paragraphs and paragraphs about what they do not like about this person. They can make websites and private Facebook groups and gang up on them a lot easier.<sup>74</sup>

### 3. A false impression that you can say anything

**It is much easier to insult someone over texts or Facebook because you do not see that look of hurt and betrayal on their face. - Katie Allan, Student, Springbank Middle School**

**If you are bullying someone in class, you see how upset or distressed they are, whereas you lose that piece of information when you are engaging in social media types of bullying. - Tina Daniels**

**You can act in a certain way and say certain things that normally you would not. You have a lot of power when you go online. I find that a lot of teenagers abuse that power and use it just to hurt others. - Mariel Calvo, Student, Springbank Middle School**

As Faye Mishna explains in her brief, “there is typically little access to social and contextual cues in the cyber world,”<sup>75</sup> compared with face-to-face interactions, during which many things happen that “can signal something is really wrong and someone is really distressed.”<sup>76</sup> In the absence of such signals, some people are less sensitive or show less empathy. This distance may also explain a phenomenon that several witnesses noted: some people who behave respectfully in person say less respectful things and act more maliciously when they are online. Bill Belsey spoke in the following terms about this characteristic that is specific to cyberbullying:

<sup>72</sup> Wendy Craig, *Evidence*, 12 December 2011.

<sup>73</sup> *Evidence*, 14 May 2012.

<sup>74</sup> *Evidence*, 4 June 2012.

<sup>75</sup> Faye Mishna, *Cyber Bullying*, written submission to the Standing Senate Committee on Human Rights, 30 April 2012, p. 6.

<sup>76</sup> Debra Pepler, *Evidence*, 12 December 2011.

The second reason that cyber-bullying happens is what psychologists call “disinhibition.” You do not see the face of the person that you are hurting. Kids who are normally very nice, generally speaking, may do or say things online that they would never do in real life. Online, you do not see the face of the person you are hurting. That distance gives people a false sense of having licence to say or do online whatever they want. They do not understand that although these are virtual worlds, there are real life consequences for them and for others. Also, as I said earlier about the teenage brain, kids live in the moment and do not make connections between cause and effect. Not to let them off the hook because they need to be responsible for their behaviour, but we also have to understand what is going on when teens are online.<sup>77</sup>

The evidence gathered on this aspect of virtual relationships tends to show that education is the best way to prevent cyberbullying. Young people have to realize that their virtual actions have very real consequences in the lives of the people with whom they have relationships.

#### 4. The ability to make comments anonymously

**On the Internet, it can feel like a faceless crowd, hidden behind personal anonymity, when girls will start breaking rules and become bullies. When you are surrounded by virtual people, you can be motivated to bully and not feel so guilty insulting someone you do not particularly like. You can feel like no one can discover what you are saying while you are under the cover of an avatar online.**

**- Samantha Hoogveld, Student, Springbank Middle School**

**As other people have said before me, with the anonymous settings on so many websites, you do not know, you cannot know who it was. It could be someone in your class. It could be someone you see every day, but you would not know. It is really hard to find that source. Sometimes we do, and sometimes there is a consequence and sometimes it stops, but often there is no way of knowing. I think that is another problem, and I really do not know how to resolve it, but we should resolve it, because if we do not know the source of the bullying, then we cannot always make it stop. - Molly Turner, Student, Springbank Middle School**

According to most of the young people who spoke before the Committee, many people who bully online would not have the courage to do so if they had to reveal their identity. Like some of the other witnesses, our student witnesses generally asserted that the ability to post messages or photos under cover of anonymity facilitates cyberbullying.<sup>78</sup> Elizabeth Meyer, a professor at the School of

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<sup>77</sup> *Evidence*, 12 December 2011.

<sup>78</sup> See, for example, the *Evidence* of Helen Kennedy, the representative of Egale Canada, and Stan Davis, the representative of Stop Bullying Now, 4 and 11 June 2012.

Education, California Polytechnic State University and Concordia University, explained how anonymity can also make the message even more intimidating for the victim:

Being able to set up an anonymous user name as well gives an extra layer of power because you know what you are doing and the person you are targeting does not know where it is coming from, which makes the threat that much more intimidating because you do not know who is the source of this filthy, scary, whatever information.<sup>79</sup>

In her appearance before the Committee, Emily Dickey, a student at Springbank Middle School, spoke in the following terms about the impact that this cyberbullying-specific characteristic has on the victim:

I think the worst part of cyberbullying — and I think a lot of other people would agree — is that the bullies can do it completely anonymously. It is like being stabbed in the back and having no way of knowing who did it. To the bully, they may type this message and send it and they may think of it as a joke; they may be being sarcastic. They have no way of knowing how the victim will react. They do not know what the victim will do.<sup>80</sup>

I am not sure if you are aware, but there is a website called Formspring. People can ask questions anonymously; there is no way to track who said it. It is supposed to help you better get to know a person or better get to know your friends, but it is being used as a huge avenue for cyberbullying and it is completely anonymous. One of my friends at my local high school, instead of writing a question, there was a comment, and the comment that was left was, “Why do you not go back to your own country?” [...] She had just come to Canada.

Alisha Virmani, Youth Leader, Canadian Red Cross

Lauren Seager-Smith of the Anti-Bullying Alliance argued that children who bully online do not try to remain anonymous. On the contrary, they “are bullying very publicly and posting very publicly.”<sup>81</sup>

What the Committee learned is that scientific studies found that cyberbullying usually occurs in the context of relationships that have been established at school or between people who know each other. In this regard, UNICEF Canada notes in its brief: “[...] evidence suggests that most cyberbullying is perpetrated by individuals known to the victims, in their daily lives and offline social relationships.”<sup>82</sup> This view was supported by several witnesses in the course of the study, including Tina Daniels and the Director of Education of the Media Awareness Network, Matthew Johnson:

<sup>79</sup> Elizabeth Meyer, *Evidence*, 7 May 2012.

<sup>80</sup> *Evidence*, 4 June 2012.

<sup>81</sup> Lauren Seager-Smith, Coordinator, Anti-Bullying Alliance, *Evidence*, 11 June 2012.

<sup>82</sup> UNICEF Canada, Brief, 28 May 2012.

Many argue that [...] the anonymity of cyberbullying represent[s] a distinct difference. Although this can be the case, research suggests that in many cases individuals who are cyberbullied are cyberbullied by someone they know.<sup>83</sup>

[...] Cyberbullying is relatively infrequently anonymous. In most cyberbullying cases among youth, the target knows or believes that he or she knows who the perpetrator is.<sup>84</sup>

David Birnbaum of the Quebec English School Boards Association also felt the need to underscore that we must educate young people to make them understand that their identity is not fully protected in the virtual world. He said:

The bully, like the student who is vulnerable, needs to understand that his or her imprint on the Internet is not invisible. There is not the full shield of anonymity. In Montreal, it took a few hours for those students, who shut down our metro system due to a student boycott of tuition systems, to be arrested and evidence to be gathered from the technologies we are talking about here.<sup>85</sup>

Lastly, according to Molly Turner, a student at Springbank Middle School, it is essential to recognize that the anonymity of certain sites also facilitates some very positive human interactions. In her view, most young people put sites that allow anonymous discussions to good purposes, such as to access “advice on something deeply personal [...] I have seen teens go to others for help for anorexia, self-harm, relationship issues and a million and one other things that young people can help each other with.”<sup>86</sup> Thus the solution to the problem is not simply to eliminate the ability of young people to communicate with one another anonymously. The evidence has shown once again that we must instead place the emphasis on education.

### **5. Role-switching may be more common in the virtual world**

In his presentation to the Committee, Bill Belsey compared bullying and cyberbullying to “a play on a stage.” In his experience as a middle-school teacher, “you will see kids going from positions of being victimized, to being the aggressors to being the bystanders all within minutes of the same recess period.”<sup>87</sup> Although this phenomenon is found in traditional bullying too, the studies conducted by Faye Mishna suggest that children who play the roles of both bully and victim may be more common in cyberspace. She observes that “[...] [i]n cyberspace, it may be they move back and

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<sup>83</sup> Tina Daniels, *Evidence*, 7 May 2012.

<sup>84</sup> Matthew Johnson, *Evidence*, 30 April 2012.

<sup>85</sup> *Evidence*, 14 May 2012.

<sup>86</sup> *Evidence*, 4 June 2012.

<sup>87</sup> *Evidence*, 12 December 2011.

forth between target and perpetrator more frequently.”<sup>88</sup> Jennifer Shapka also believes that it is probably easier to switch roles in the virtual world. She explained to the Committee:

If someone said something about someone else, that person comes back and says something, then another person jumps in and insults are flying. All of a sudden everyone has played all of the roles in a bullying scenario from witness to bystander to bully.<sup>89</sup>

The studies conducted by Shelley Hymel also confirm that the distinction between the roles of bully and victim becomes blurrier in an electronic context than in traditional bullying. Before the Committee, she made the following observation:

Children are more likely to admit being both bully and victim. Perhaps students feel more comfortable or more capable of relating through online and retaliating through online aggression, making it difficult to determine where it all starts.<sup>90</sup>

Lastly, the Committee was also told that the imbalance in the power relationship between the victim and the bully may not be so present in the case of cyberbullying.<sup>91</sup> Scott Hirschfeld described this pattern as follows:

When you look at traditional forms of face-to-face or schoolyard bullying, we mostly think of students who have more physical or social power and can use that power to bully others. Absolutely, when we move to an online environment, that whole dynamic changes and any student, no matter where they are in that power structure, can bully online.<sup>92</sup>

## **6. Repetition has a different effect in the virtual world**

As we have indicated above, with modern information and communication technologies, even though the online aggressor may take no further action, his or her original harmful act will be repeated automatically whenever someone accesses the content in question or decides to share it with someone else. Unlike traditional bullying, cyberbullying may involve just one specific act, but its harmful effects may be perpetuated as the pain is repeated for the victim whenever another person views it or comments on it. This feature of cyberbullying unquestionably increases the stress and negative consequences for the victim, the bully and the bystanders.

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<sup>88</sup> Faye Mishna, *Evidence*, 30 April 2012.

<sup>89</sup> *Evidence*, 14 May 2012.

<sup>90</sup> *Evidence*, 7 May 2012.

<sup>91</sup> See in particular the testimony of Hal Roberts and Trevor Knowlton, *Stop a Bully*, *Evidence*, 30 April 2012.

<sup>92</sup> Scott Hirschfeld, Director of Curriculum, Anti-Defamation League, *Evidence*, 4 June 2012.

## D. Why do some young people cyberbully?

**I used to be a bully in grade 6 and the beginning of 7 (I am in grade 8 now). I've never physically harmed anyone, I just hurt them with words, and I did cyberbully a couple of times. So back then I was a loner and insecure, I had no sibs, friends or pets and hated my grades and image. I had to do something to stay happy. It became a habit. - A youth (*in camera* witness)**

**Cyberbullying is everywhere. I do not think the kids really know what they are doing most of the time. Like, if they are replying to someone's status and say something mean, they do not really think of that as bullying; they just think of that as replying, but it is bullying. Kids need to be more aware. - A youth (*in camera* witness)**

Children who bully do not match a single profile. Some are more aggressive and out of control, while others are very smart and socially aware. Here is what Debra Pepler had to say on this subject:

There are some children who bully who are generally quite aggressive and generally out of control, and there is another group of children, both boys and girls, who are very smart and very socially aware. They figure out who the vulnerable people are, how they can push the button just to cause so much distress in that other person or control them, and these are two different types of children who bully.<sup>93</sup>

Research done by Professor Shaheen Shariff of McGill University also teaches us that many bullies simply are not aware that they are cyberbullying, that their activities are causing emotional suffering and could be defined as criminal offences. Before the Committee, she stressed that young people “cannot distinguish the lines between jokes and entertainment for the sake of making friends laugh and cyberbullying that inflicts emotional harm on others and risks legal liability.”<sup>94</sup> Consequently, “[y]oung perpetrators often post outrageous comments and insults to make friends laugh

In this example a young lady drank too much alcohol and a very embarrassing photo was taken of her. Those photos were instantly put on the Internet and now not only the people at the party have seen the scene, but the entire student population of that school [would probably] see that photo. [...] Would that young lady who took the picture and posted it think she was a cyberbully, or was she cyberbullying? She took what she thought was a funny photo of her friend, posted it on the net and carried on with her evening. That is an example of just how complex this can be. This case of cyberbullying could push that student to the utter limit of her mental health on that Sunday night, yet it could have been her best friend who did it and would have no clue of the damage she possibly caused to this other lady.

Trevor Knowlton

<sup>93</sup> Debra Pepler, *Evidence*, 12 December 2011.

<sup>94</sup> *Evidence*, 30 April 2012.



without thinking about the impact on targeted individuals.”<sup>95</sup> This comment was echoed by a number of witnesses throughout the study, including some of the young students.

Faye Mishna explained to the Committee that young people cyberbully for many reasons “...to gain attention, to look cool and tough, to satisfy jealousy or to feel popular or powerful.”<sup>96</sup> It should be no surprise that the incidence of acts of bullying peaks somewhere between Grade 7 and Grade 10 (ages 12 and 15),<sup>97</sup> because this is a period when young people are trying to discover who they are and determine their roles within the group. Stu Auty, president of the Canadian Safe School Network, stated that adolescence is also generally a time of life when young people are subject to “peer pressure.”<sup>98</sup> In general, the older children get, the more aware they become of the consequences of their actions. Here is what Shelley Hymel had to say on this subject:

Social skills develop very gradually during the time children are in school. By the late elementary years, when bullying reaches a peak, they have well-developed skills sufficient to engage in bullying. However, there are three areas that are not adequately developed. First, children at this age tend to be entering a period of identity development, trying to figure out who they are and how they fit in. Some stumble upon bullying in this process and it works.

Second, we know that this is the time when the frontal lobe of the brain, the part that oversees executive functions and puts information together to help us make the best decision, undergoes a rapid period of development that continues into the mid-20s.

Finally, at this point most children are considered to be in the pre-conventional stage of moral development, focusing primarily on what is in it for me. It is not that these children are immoral. Rather, our research is showing that these children are just beginning to understand the society as a social system where we have to work together and help each other.<sup>99</sup>

Tina Daniels’s work on social bullying by girls shows that the main reasons girls give for bullying are “power, control, status and self-interest.”<sup>100</sup> For girls, bullying seems to be associated with “unrealistic expectations for close friendships and high levels of jealousy and desire for exclusivity.”<sup>101</sup> The Committee was also told that those who practise only social bullying tend to

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<sup>95</sup> *Ibid.*

<sup>96</sup> *Evidence*, 30 April 2012.

<sup>97</sup> See the *Evidence* of Tina Daniels, who said that bullying tends to become worst in grades 7, 8, and 9, and of Shelley Hymel, who observed that it peaks somewhere between Grade 8 and Grade 10, *Evidence*, 7 May 2012.

<sup>98</sup> Stu Auty, President, Canadian Safe School Network, *Evidence*, 14 May 2012.

<sup>99</sup> Shelley Hymel, *Evidence*, 7 May 2012.

<sup>100</sup> *Evidence*, 7 May 2012.

<sup>101</sup> *Ibid.*

justify their choice by the fact that this form of bullying is less visible than physical bullying and less likely to attract attention.<sup>102</sup>

According to the results of a study by Professor Hymel, 25 percent of children rationalize their bullying behaviour by endorsing the statement that “it is okay to pick on losers.” Her research also indicates that some kids simply believe that the victims of bullying are responsible for their own fate (in other words, “Most students who get bullied bring it on themselves”).<sup>103</sup> Here is what she had to say about the moral disengagement of children who bully:

[...] Children who bully others, including electronic bullying, are much more likely to morally disengage in thinking about their own behaviour. They justify and rationalize it in such a way that they minimize their own responsibility for the outcomes and the outcomes themselves.<sup>104</sup>

The literature identifies a certain number of risk factors and protective factors associated with the adoption of bullying behaviours. In this regard, Justin Patchin’s research shows us that “those students who have low self-esteem are more likely to be victims and bullies.” But the lack of any longitudinal data prevents us from knowing whether “if you have low self-esteem you are more likely to be bullied or be a bully.”<sup>105</sup>

Appearing before the Committee, the representative of the National Crime Prevention Centre, Daniel Sansfaçon, also identified some risk factors that increase the chances that a young person will engage in bullying behaviours. Some of these factors are also general risk factors for delinquency. They include early aggressive behaviour, persistent negative attitudes, truancy, low attachment to school, delinquent peers and early substance use. He explained to the Committee that the likelihood of a young person engaging in bullying behaviour depends on his or her risk factors and protective factors. Protective factors, such as parental support, mitigate risk factors and thus reduce the likelihood that a young person will engage in an undesirable behaviour.<sup>106</sup>

Their parents’ behaviour is definitely an important risk factor or protective factor that can have a major influence on young people’s behaviour. There is no denying that children learn their first behaviours at home. Children who grow up in an environment that encourages and reinforces respectful behaviours can count on that as an important protective factor, while those who grow up in an aggressive family environment, where the parents accept fighting as a way of solving problems, retain an additional risk factor.

As regards bullying, the role of the school is also very important. The evidence tends to show that young people who attend schools that encourage healthy, respectful relationships will have less

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<sup>102</sup> Tina Daniels, *Evidence*, 7 May 2012.

<sup>103</sup> Shelley Hymel, *Evidence*, 7 May 2012.

<sup>104</sup> *Ibid.*

<sup>105</sup> Justin Patchin, *Evidence*, 14 May 2012.

<sup>106</sup> Daniel Sansfaçon, Director, Policy, Research and Evaluation, *Evidence*, 7 May 2012.

of a tendency to bully their classmates than those who attend schools that do not encourage such positive behaviours. We will deal with this question in more detail in the next section.

In summary, the evidence presented by witnesses has revealed some major gaps in the research as to what “precursory risk factors indicate that a child may bully someone or be bullied.”<sup>107</sup> The following pages summarize the evidence that we gathered concerning the young people who are most susceptible to being victims of cyberbullying.

## **E. Which youth are at risk of being cyberbullied?**

**The issues of sexual orientation, whether you are perceived to be gay, lesbian or bisexual, issues of gender expression, whether you are seen to be as masculine as other boys or as feminine as other girls, those are highly involved reasons that students are targeted. They are often the most ignored by the teaching staff. They are not even acknowledged as forms of bullying because they are so embedded in the psyche and culture of our nation, of what it means to be a macho, popular, cool boy, a desirable feminine, attractive girl. These gender expectations, these sexualized criteria are taught and reinforced oftentimes by the adults in the community, that our youth then repeat and perpetuate on each other, and are often ignored as forms of bullying. The kids do it because it is completely modelled, condoned and accepted. They do not even have to justify it because it has already been justified for them. - Elizabeth Meyer**

The research shows that just as there is no one profile for bullies, there is no one profile that fits all victims of bullying. As Faye Mishna emphasized to the Committee, children have various kinds of vulnerability. The explanation that Daniel Sansfaçon presented about the role of risk factors and protective factors in assessing the likelihood of someone engaging in bullying behaviour also holds for assessing the likelihood of someone being a victim of cyberbullying. A young person’s vulnerability thus depends on what risk factors and protective factors he or she has. The following paragraphs attempt to sketch a general portrait of the main risk factors and protective factors associated with being a victim of bullying.

### **1. Risk factors**

Many of the witnesses emphasized that bullying is a phenomenon grounded in discrimination and ignorance and that people who belong to minority groups or are perceived as different are generally more vulnerable to bullying. The views expressed by our youngest witnesses about the possible reasons that certain young people are victims of bullying confirm this perception. The following extracts from the evidence presented to the Committee express this point of view:

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<sup>107</sup> Michel Boivin, *Evidence*, 14 May 2012.

Certain populations are at greater risk of being bullied, such as those who identify as lesbian, gay, bisexual or transgendered, those who have a disability and those who are overweight or obese [visible minorities or members of ethnic groups].<sup>108</sup>

Transgender and gender non-conforming youth are particularly vulnerable. Research tells us that these young people experience extremely high rates of verbal and physical harassment at school and in their communities.<sup>109</sup>

[...] We know that kids have certain risk factors that make them more susceptible and vulnerable to being targets of aggression. Being different or marginalized in any way, be it coming from an different ethnic minority or being lesbian, gay or bisexual will enhance the vulnerability that that person will experience.<sup>110</sup>

Canadian research suggests that children who may be perceived as “different” are often at greater risk of being bullied than other children (such as minority ethnic groups, lesbian, gay, bisexual or transgender (LGBT) young people, overweight children and those with perceived disabilities).<sup>111</sup>

Some individuals are more vulnerable to being bullied due to factors such as race, religion, sexual orientation, gender identity, appearance (including weight), socioeconomic status and disability.<sup>112</sup>

Recognizing that “homophobia, racism, sexism and other forms of marginalization are apparent in cyberbullying,” Faye Mishna said that “we must confront these biases in society.”<sup>113</sup>

The evidence presented on this issue also shows us that young people who are socially isolated and do not have access to a good support network are more vulnerable to bullying. Here is what Professor Elizabeth Meyer had to say during her appearance: “We know youth who have other issues related to self-esteem are more vulnerable because they are already socially isolated or do not have that gregariousness that allows them to surround themselves with a circle of highly socially competent peers.”<sup>114</sup> This information confirms Justin Patchin’s research findings that students with low self-esteem are more at risk of being victims of bullying.

In his testimony, Michel Boivin also discussed certain social behaviours that are associated with the probability of being a victim of bullying. Here is what he said:

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<sup>108</sup> Marla Israel, *Evidence*, 7 May 2012.

<sup>109</sup> Elizabeth Meyer, *Evidence*, 7 May 2012.

<sup>110</sup> Jennifer Shapka, *Evidence*, 14 May 2012.

<sup>111</sup> UNICEF Canada, Brief submitted to the Committee, 28 May 2012.

<sup>112</sup> Public Health Agency of Canada, *The Chief Public Health Officer’s Report on the State of Public Health in Canada, 2011, 2012.*

<sup>113</sup> *Evidence*, 30 April 2012.

<sup>114</sup> Elizabeth Meyer, *Evidence*, 7 May 2012.

There are several risk factors. There are fairly well-known factors such as obesity and speech problems, but perhaps the most often studied factor or factors are social behaviours — the way children behave socially. Aggressiveness and hyperactivity are characteristics associated with potentially being a victim of harassment early in the school environment. Progressively, there is less association between those externalizing factors and bullying. I would say that more children exhibit anxiety and inhibition characteristics, and become preferred targets [...]<sup>115</sup>

## 2. Protective factors

The witnesses generally agreed that peer support is an important protective factor against bullying. As we have already observed, bullying generally stops very quickly once peers intervene. Research also shows us that early intervention by peers increases the chances of putting an end to bullying. Young people who can count on a strong social network are therefore less likely to be victims of bullying.

It is also essential to recognize the importance of family support as a protective factor against bullying. Many witnesses stressed that the risks of bullying are lower if parents discuss bullying with their children and are alert to the signs of victimization. In this regard, UNICEF Canada noted the following in its brief:

A growing body of evidence from the industrialized world identifies that the strongest protective factor for children is actively engaged parents who share Internet experiences with their children and are willing to talk about the issues involved without rushing to limit children's access.<sup>116</sup>

Another important protective factor against bullying is an environment that respects differences and does not tolerate discrimination. The more that bullying behaviours are tolerated in the culture and socially, the more that young people will be at risk of engaging in such behaviours. To fight bullying, we must therefore address the attitudes that are conveyed in the media and in society in general. The Committee is concerned about the results of the national survey on homophobic violence that the representative of Egale Canada presented during her appearance, in particular the finding that close to 50 percent of the respondents heard remarks such as “faggot” or “dyke” in their schools, and that 23 percent of homosexual boys and 47 percent of transgendered students said that they had been victims of online harassment, compared with 5.6 percent of the heterosexual population.<sup>117</sup> These bullying behaviours are unacceptable and have no place in our society or our schools.

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<sup>115</sup> *Evidence*, 14 May 2012.

<sup>116</sup> Brief submitted to the Committee, 28 May 2012.

<sup>117</sup> The survey was conducted by Egale Canada in 2009. For more information, see the *Evidence* given by Helen Kennedy, 4 June 2012.

As regards the school climate and culture more specifically, there is strong evidence to show that “children in Rights Respecting Schools have a more positive experience at school”<sup>118</sup> and are less inclined to engage in bullying behaviours. Testifying before the Committee, Tina Daniels discussed a study done in Finland that showed that the school environment has an important influence on the probability that children will engage in bullying behaviours. Here is what she had to say:

Christina Salmivalli, who is running the KiVa program in Finland, has some interesting research that shows that what predicts how much bullying occurs in a classroom is not the individual children but the peer attitudes, beliefs and norms of the school and the classroom. In a school where the attitudes and beliefs are positive about bullying, there will be significantly more bullying. It is not so much an individual characteristic of particular children; it is the characteristics of the social climate, whether they support and accept those behaviours or not.<sup>119</sup>

Similarly, UNICEF Canada reported in its brief:

Research in the United Kingdom, with more than 2,500 rights-respecting schools, has shown that these schools see a decrease in bullying, with incidences of bullying referred to as “minimal”; a reduction in prejudices; improved rates of attendance; and improved student self-esteem and engagement in learning. Teachers also report improved job satisfaction, and students, staff and parents report being much happier in the school than in the past, due to improved relationships overall.<sup>120</sup>

Lastly, Justin Patchin expressed a similar opinion regarding the connection between the climate at school and bullying:

Existing research has consistently identified an inverse relationship between climate and bullying. The more positive climate at school, the less bullying that happens at school. Our research over the last year has also demonstrated that the better the climate at school, the fewer problems with cyberbullying and other online behaviours [...].<sup>121</sup>

According to Cathy Wing of the Media Awareness Network, parents and society must participate fully in creating a culture of respect and empathy in all aspects of life at school. Justin Patchin told the Committee that “[i]f students believe they are cared about at school and value those

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<sup>118</sup> UNICEF Canada, Brief submitted to the Committee, 28 May 2012.

<sup>119</sup> Tina Daniels, *Evidence*, 7 May 2012.

<sup>120</sup> UNICEF Canada, Brief submitted to the Committee, 28 May 2012.

<sup>121</sup> *Evidence*, 14 May 2012.

relationships, they will, in turn, refrain from engaging in behaviours that will risk damaging those relationships.”<sup>122</sup>

As we shall see in Chapter Five, ensuring that parents have the tools they need to support their children constitutes a crucial component of keeping them safe online.

## **F. The magnitude of the problem**

**One of the other messages we would like you to understand - because it relates to how we need to think about approaching this - is this is a behaviour that peers know a great deal about and adults know very little about. That is true in traditional forms of bullying, but especially once we move into the electronic domain. - Debra Pepler**

Cyberbullying is a phenomenon that is difficult to measure, partly because researchers do not agree on what the term “cyberbullying” means. It is also largely hidden from adults because young people tend not to report incidents of bullying.

### **1. The reluctance of young people to report cyberbullying incidents**

**I just wanna report cyber bullying to my local police... I’m like legit scared. - A youth (*in camera* witness)**

The evidence presented to the Committee showed that young people rarely report acts of cyberbullying. According to Faye Mishna, young people are probably even more hesitant to report cyberbullying than traditional bullying. This was also the opinion of Professor Hymel, who told the Committee that cyberbullying “is the least frequent form of bullying that students report.”<sup>123</sup> Sharon Wood from Kids Help Phone shared why young people say they do not report such incidents:

There is a range of reasons that young people are challenged in reporting cyberbullying. The perception is that reporting is ineffective, and that continues to be the case. When we asked respondents who they would like to talk to first if they were cyberbullied, the majority of 65 percent reported that they would tell a friend versus a parent, teacher or counsellor,

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<sup>122</sup> Justin Patchin, *Evidence*, 14 May 2012.

<sup>123</sup> Shelley Hymel, 7 May 2012.

and 15 percent used the other field to report that they would never tell anyone.<sup>124</sup>

Tina Daniels told the Committee that studies show that only about 1 to 9 percent of cyberbullying victims reported it to their parents. According to one of her studies, “parents are aware of only 8 percent of bullying episodes on Facebook. Most children do not report because they are afraid and they fear loss of access to their technology.”<sup>125</sup> Faye Mishna noted similarly that “[p]art of that is because they are afraid that adults will not know about it and cannot do anything, but they are also afraid that their parents will take their technological device from them and that means taking away their social connection.”<sup>126</sup> Fear of no longer having access to the Internet is a major factor, according to Wayne Mackay, who told the Committee:

In a Canada-wide study it was found that the number one reason young people did not tell adults, including their parents, about being bullied or cyberbullied was not what you would think — it will get worse — but rather fear of losing access to the Internet. “If I tell my parents, they will tell me to disconnect and it will be gone.” Kids would rather put up with bullying than be disconnected from that important reality.<sup>127</sup>

According to Professor Shaheen Shariff, young people tend not to report incidents if they do not feel safe and know that their privacy will be protected.

Our research indicates that young people avoid reporting victimization from cyberbullying because of a perceived lack of support from adults and fear of repercussions from perpetrators. It is important that youth feel safe and know that their privacy needs are protected if they want to bring a defamation suit against perpetrators.<sup>128</sup>

The evidence presented to the Committee indicates that guaranteeing anonymity and confidentiality to young people who report cyberbullying incidents would probably increase the rate of reporting. They also need to know that if they report it, concrete action will be taken. According to Bill Belsey, “The research is telling us that people often have to tell 10, 12 or more adults until finally they may find someone to help.”<sup>129</sup> Here is what one young person told the Committee about reporting incidents:

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<sup>124</sup> *Evidence*, 14 May 2012.

<sup>125</sup> *Evidence*, 7 May 2012.

<sup>126</sup> Faye Mishna, *Evidence*, 30 April 2012. Rola AbiHanna, Guidance Consultant, Student Services Division and member of the Nova Scotia Task Force on Bullying and Cyberbullying, pointed out that the consultations had shown that young people “were scared of losing their technology or the parents shutting down the Facebook page. Although that might help deal with the issue of the current harassment that might be taking place, at the same time it cut them off at the knee socially...” *Evidence*, 11 June 2012.

<sup>127</sup> *Evidence*, 11 June 2012.

<sup>128</sup> *Evidence*, 30 April 2012.

<sup>129</sup> *Evidence*, 12 December 2011.



If you want kids to report it and to report it early, then I think what we need to make sure that there is a safe place to do it and that people 100% follow through and do something. I have been in my counsellor's office in school and have said stuff and pretty much just been told "that sucks; move on with your life." Nothing was done.

Encouraging communication with parents is another important factor in combatting cyberbullying. The young people we met who had had the support of their parents when they were victimized said that this support was very helpful to them in getting through their ordeal. One young victim said:

(...) I did not tell my mom at the beginning. After I did, I felt better knowing that she knows about it. She is always there so if something happened at school that day, I have someone to go talk to when I get home. It helped a lot.

The evidence also showed that young people are more likely to report cyberbullying incidents to their parents if the bonds of trust are well established. Here is how two students at Springbank Middle School described this:

I think it depends on your relationship with your parent. If you talk to your mom or dad a lot, then you can talk about this, but if you don't and you kind of shut them out ... it all depends on how your relationship with your parents is. Sometimes parents do need to improve and get more involved with their children. I think that would also help because they could talk about this. A lot of kids who are being cyberbullied do not come forward and do not talk about it and it eats them up inside. That is a big problem, too. If you talk about it with your parents you can prevent it more and stop it.<sup>130</sup>

I think it is because most of them are not very close to their parents. The parents go to work, and they go to school. Then they go off to do sports or whatever, and there is just not much time to talk to them and actually grow a connection with them to become friends instead of parents and daughter, parents and son.<sup>131</sup>

## **2. Some data on the scope of the problem**

In the course of the study, some witnesses argued that cyberbullying was on the rise, whereas others thought that it was in decline or stable. The witnesses also put forward very different information about the prevalence of cyberbullying. For example, Professor Michel Boivin of the Laval University School of Psychology said that research had shown that between 10 to 15 percent

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<sup>130</sup> Mariel Calvo, *Evidence*, 4 June 2012.

<sup>131</sup> Emilie Richards, *Evidence*, 4 June 2012.

of young people are victims of chronic repetitive bullying.<sup>132</sup> Tina Daniels, on the other hand, presented the results of a recent Alberta study that “demonstrated that almost a quarter of students report being targeted and 30 percent state that they have cyberbullied others at least once in the last three months.”<sup>133</sup> Faye Mishna told us that the prevalence varies with the research, with most placing it between 10 and 35 percent. Other research, including her own, reports higher rates. For example, a survey conducted by Kids Help Phone in 2011 found a bullying rate of 65 percent. Justin Patchin reported to the Committee that estimates of the scope of the problem vary from 5.5 percent to 72 percent. He illustrated this as follows:

As of the summer of 2011, there had been at least 42 articles on this topic published in peer-reviewed journals across a wide variety of academic disciplines. Among 35 papers that included victimization rates, figures range from 5.5 percent to 72 percent, with the average being 24 percent. Most of the studies estimate 6 to 30 percent of teens have experienced some form of cyberbullying, and these findings are consistent with our own research over the last 10 years. ...

In the 27 papers published in peer-reviewed journals that included cyberbullying behaviours, offending behaviours, 3 to 44 percent of teens reported cyberbullying others, an average of 18 percent. That is consistent with our research as well. Across all of the work we have done in the last 10 years, it is an average of about 17 percent of students who have said they have been cyberbullied.<sup>134</sup>

As we mentioned at the very beginning of the chapter, the discrepancies between the surveys are largely attributable to the fact that there is no accepted definition of cyberbullying and to methodological differences. Cyberbullying surveys do not necessarily measure the same thing. The rates will therefore vary enormously depending on the definition used and the methodology.

Several witnesses, including Faye Mishna, consider that “[w]e are lacking an accepted definition and means to measure cyber bullying as distinct from other forms of online aggression.”<sup>135</sup>

Finally, although cyberbullying may under certain circumstances be defined as a criminal offence (under various provisions of the *Criminal Code*, including uttering threats (section 264.1), criminal harassment (section 264) and public incitement of hatred (section 319)), there are currently no specific cyberbullying offences. That is why statistics on arrests compiled by police departments cannot provide us with information about the number of cases reported to the police each year.

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<sup>132</sup> *Evidence*, 14 May 2012.

<sup>133</sup> Tina Daniels, *Evidence*, 7 May 2012.

<sup>134</sup> Justin Patchin, *Evidence*, 14 May 2012.

<sup>135</sup> Faye Mishna, *Cyber Bullying*, written submission to the Standing Senate Committee on Human Rights, 30 April 2012, p. 8.

### 3. Involvement of boys and girls

Throughout the study, witnesses expressed conflicting positions with respect to the involvement of boys and girls in bullying and cyberbullying. Some witnesses maintained that boys were more involved in incidents of physical bullying, whereas girls were more active in terms of social bullying.<sup>136</sup> According to Bill Belsey, “[b]ecause cyberbullying involves social media communication technologies, that means girls are often engaged in those things more perhaps than boys are.”<sup>137</sup> Wendy Craig also pointed out that girls are more likely than boys to be both victims and perpetrators of bullying in an electronic environment, though the rate was increasing for boys. According to her research, boys were catching up to girls in online bullying. With respect to traditional bullying, she noted the following:

...you find that when you ask students, it is more boys who report higher levels of engaging in bullying than girls. However, we also put remote microphones on children, we film them when they are in the playground and when we observe the children, boys and girls bully at equal rates. When you ask children or young students, girls say they bully much less than boys. However, when you ask them about electronic bullying only, the girls report in engaging in more of it than boys.<sup>138</sup>

Professor Faye Mishna’s research shows that more boys admit to having bullied online and more girls said that they had been victims or bully-victims (both a perpetrator and a victim). Other witnesses argued that the studies showed little difference between boys and girls for cyberbullying. Professor Tina Daniels is one researcher who pointed out that gender differences are minimal when observed in studies.

### G. Youth and communication technologies

**We can only understand cyberbullying in the context of the cyber world and its importance to young people... - Faye Mishna**

**The use of technology is like the air that this generation breathes. - Bill Belsey**

To understand the nature and extent of the damage that can be done by youth cyberbullying, it is important to understand the role played by information and communication technologies (ICTs) in their lives.

<sup>136</sup> See *Evidence* for Daniel Sansfaçon, 7 May 2012; Bill Belsey, 12 December 2011; and Helen Kennedy, 4 June 2012.

<sup>137</sup> *Evidence*, 12 December 2011.

<sup>138</sup> *Evidence*, 12 December 2011.

Young Canadians are avid consumers of new technology, social media and other online resources. Approximately 99 percent have Internet access at home, in school or on their cell phone.<sup>139</sup> Many young people spend a great deal of time communicating and interacting in cyberspace.<sup>140</sup> According to the information gathered in the course of the study, over half of young Canadians use the Internet for more than an hour a day, mainly to make contacts and communicate with their peers.<sup>141</sup> On average, young people send 50 to 60 text messages every day.<sup>142</sup> The Committee was also told that some young people send and receive more than 100 text messages per day.

The testimony the Committee heard reveals that the vast majority of young people place a great deal of importance on their technology. Many young people, as we learned, preferred not to report being victims of cyberbullying because they were afraid of losing access to their technology. According to Bill Belsey, “for today’s teenagers, being connected to the Internet is not simply a matter of convenience or way of conveying factual messages; being connected is literally their social lifeblood.”<sup>143</sup>

As various people, including Shaheen Shariff, mentioned, young people today grew up with digital media and are skilled users of technology. Generally speaking, they can “acquire technological competence at a much faster rate than their parents.”<sup>144</sup> “Young people are able to keep up with constant and rapid technological advances, contributing to a clear and unmistakable generational divide between younger and older individuals.”<sup>145</sup>

## 1. The role of new technologies

**Recognizing the link between cyberbullying and children’s rights [...] allows us to recognize that the Internet, mobile phones and other digital media provide children and young people with many educational and social benefits - access to knowledge, information, recreation, socialization and a sense of inclusion with peers, even across wide geographic boundaries. It also allows us to support these benefits, while addressing the harms resulting from inappropriate digital behaviours, as they evolve through e-mails, online chat lines, personal web pages, text messages, the transmission of images and social media.<sup>146</sup> - UNICEF Canada**

<sup>139</sup> Bill Belsey, President, Bullying.org, *Evidence*, 12 December 2011.

<sup>140</sup> Wanda Cassidy et al., “Sticks and Stones Can Break My Bones, But How Can Pixels Hurt Me? Students’ Experiences with Cyberbullying,” *School Psychology International*, Vol. 30(4), 2009, p. 383.

<sup>141</sup> Tina Daniels, Psychology Department, Carleton University, *Evidence*, 7 May 2012.

<sup>142</sup> Debra Pepler, Scientific Co-Director, Promoting Relationships & Eliminating Violence Network, York University, *Evidence*, 12 December 2011, mentioned 50 text messages. In its brief, the Canadian Wireless Telecommunications Association reproduced data from the Pew Internet and American Life Project, which estimated that the average teenager sent 60 text messages per day.

<sup>143</sup> Bill Belsey, *Evidence*, 12 December 2011.

<sup>144</sup> Faye Mishna, *Cyber Bullying*, written submission to the Standing Senate Committee on Human Rights, 30 April 2012, p. 5.

<sup>145</sup> *Ibid.*

<sup>146</sup> *Bullying and Cyberbullying: Two Sides of the Same Coin*, extract of the brief submitted by UNICEF Canada to the Committee on 28 May 2012.

Cyberspace provides a wonderful window on the world that can eliminate geographical and social barriers. It allows people to forge ties with others everywhere in the world and to engage in enriching intercultural dialogue. It is a valuable communication, information and entertainment tool.

Professor Mishna of the University of Toronto told the Committee that “the dramatic technological advances that have occurred in recent history have forever changed how we communicate and interact.”<sup>147</sup> The positive impact of ICTs on young people’s learning and development is undeniable. Several professors, including Bill Belsey, have chosen to incorporate ICTs into the classroom as an educational tool. Through ICTs, young people can have ready access to information, help and support. ICTs can be particularly useful for marginalized youth who would otherwise not have ready access to social support.

As we mentioned, the relationships that young people establish online are as important as their face-to-face relationships. Unlike adults, they tend not to differentiate the real world from the virtual world. Wayne MacKay, who chaired the Nova Scotia Task Force on Bullying and Cyberbullying, indicated that:

The other realization, through my exposure and immersion in the last year or so to this issue, is that it is in many ways a more important reality for youth than the nice, sunny world outside of us here that is the real world; the virtual, online world is as or more significant for many of them.<sup>148</sup>

According to Lauren Seager-Smith of the Anti-Bullying Alliance, “Sometimes for the older generation it is difficult to comprehend”<sup>149</sup> the absence of this distinction. Debra Pepler also noted that young people today are often “connected much less with [their] parents and much more with [their] peers.”<sup>150</sup>

We are in an interesting time because the parents in the next 10 to 15 years will have some basic technology skills. It will be interesting to see how that shapes their involvement in the lives of their kids and whether the behaviours are responded to more quickly.

Justin Patchin

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<sup>147</sup> *Evidence*, 30 April 2012.

<sup>148</sup> *Evidence*, 11 June 2012.

<sup>149</sup> *Evidence*, 11 June 2012.

<sup>150</sup> *Evidence*, 12 December 2011.

## 2. Understanding the risks involved with new technologies

**Despite the many benefits of cyber interactions there are also risks for youth, including the risk of bullying, sexual solicitation or victimization, and exposure to harmful material such as pornography, violent images, or hate messages. - Faye Mishna<sup>151</sup>**

**Facebook, for example, is an amazing site. You can share your pictures, you can stay in contact with family around the world, and talk with your friends, but Facebook has an evil side to it, as well. It is a perfect place for bullies to choose their victims. There are usually two things the bullies will do from Facebook. One is that they will look at a picture of someone and the person in the picture will think it is a really good picture, but the bullies will comment horrible things and make the person in the picture feel insecure and horrible about themselves. Second, they could copy the picture and show it to their friends who will show it to their friends, and it will make the rumours grow bigger and bigger. - Shelby Anderson, student from Springbank Middle School**

Although young people are skilled at manipulating technology, this does not mean that they have all the knowledge or judgement they need to navigate safely through cyberspace. Many young people simply do not know how to go about sheltering themselves from the dangers. They do not always have a realistic idea of the impact and extent of exchanges in the virtual world. The research conducted by Professor Faye Mishna, for example, shows that few young people are aware that it is impossible to completely erase content that is posted online. Stan Davis, of the Stop Bullying Now program, mentioned that many young people do not realize “that what they post now could be used in deciding whether they get a job later.”<sup>152</sup> When he appeared before the Committee, Bill Belsey said the following about the understanding that young people have of technology:

Young people have a superficial understanding of technology. They know the buttons to push or to click to make a video and download it to YouTube, but they do not begin to truly understand the real life consequences that their actions online have for themselves and for others.<sup>153</sup>

Professor Shaheen Shariff also maintained that young people tend to share messages or photographs impulsively “without thinking about public and private spaces.”<sup>154</sup> In other words, some young people share very personal information and feelings without fully understanding the consequences of their actions.

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<sup>151</sup> Brief submitted to the Committee by Faye Mishna.

<sup>152</sup> *Evidence*, 11 June 2012.

<sup>153</sup> Bill Belsey, *Evidence*, 12 December 2011.

<sup>154</sup> *Evidence*, 30 April 2012.

According to Sharon Wood, “[c]learly, technology and social media have had a major impact on the ways that young people communicate with each other. We have discovered, and you are familiar with [this] as a committee, that this same technology is being used to demean, oppress and use power over others in a harmful way.”<sup>155</sup> We therefore need to help young people acquire the skills that are essential to prevent cyberbullying. Here is what Tina Daniels said about this:

...we are challenged with the task of changing our social milieu by focusing on building skills that are incompatible with bullying, that will modify children’s behaviour online, that will empower victims of cyberbullying to report problems, and that will build a social climate that is not accepting of such behaviour.<sup>156</sup>

Young victims of cyberbullying, the bullies themselves and observers are all affected by this violence. In the next chapter, we will examine the repercussions of cyberbullying.

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<sup>155</sup> Sharon Wood, President and CEO, Kids Help Phone, *Evidence*, 14 May 2012.

<sup>156</sup> *Evidence*, 7 May 2012.





## CHAPTER THREE: THE REPERCUSSIONS OF CYBERBULLYING

**People are always making fun of me through F[a social media site] because they won't say it to my face. I told my teacher and principal about it a couple of times but they never did anything about it. I deleted some of the people who were bullying me but they keep messaging me and they even post hate comments about me in a conversation group on F. . . . Even though I've tried to ignore the comments, I still feel hurt when I read mean comments about me. . . . I can't take it anymore! I've become so depressed because of what people say to me and other problems I have in my life. I want to kill myself right now! - A youth**

**I've tried different things like blocking emails and making new emails but somehow they keep finding me. I'm not sure how much more I can take, it's so awful. Help? - A youth**

**I have a disease, enabling me to be unable to talk very well, I have been bullied lately on the bus and I have cyber-bullied in grade four. I am now in grade six. I cry myself to sleep many nights when I feel scared. - A youth<sup>157</sup>**

**In conclusion, there is no conclusion to what children who are bullied live with. They take it home with them at night. It lives inside of them and eats away at them. It never ends, so neither should our struggle to end it. - A 17 year old victim<sup>158</sup>**

**After a while, bullying can really cut you deep inside and may change you forever. - Samantha Hoogveld, a student at Springbank Middle School**

These messages, which were written by direct and indirect victims of cyberbullying, and the tragic stories of bullying reported in the media, tell us that bullying and cyberbullying have a devastating effect on the welfare of our children, are harmful to their development and their ability to take their place in society. Bullying is a serious public health problem that has been acknowledged by the international community.<sup>159</sup> This chapter takes stock of the information gathered by the Committee with respect to the repercussions of cyberbullying on the academic success and emotional, physical and mental health of our children.

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<sup>157</sup> These three first quotes were reported by Sharon Wood during her appearance before the Committee. Ms. Wood is the President and CEO of Kids Help Phone, *Evidence*, 14 May 2012.

<sup>158</sup> Comments reported by Shelley Hymel in her testimony on 7 May 2012.

<sup>159</sup> "The World Health Organization (WHO) has identified bullying as a 'major public health problem' and has indicated that the risks posed by bullying extend beyond the victim to include bystanders and bullies, and manifest themselves in a range of symptoms across the public health spectrum." Information from the brief submitted to the Committee by UNICEF Canada, 28 May 2012.

## A. Current knowledge about cyberbullying

Many researchers from various disciplines have spoken out about the immediate and longer term repercussions of bullying among young people. Field research has shown that the impact of the violence affects not only the victims, but also the bullies and observers, who are often called indirect victims of bullying. The research has also established that the repercussions of bullying and cyberbullying are varied and of different levels of severity.

As Professor Debra Pepler of York University explained during her appearance, the severity of the repercussions of bullying depends on the circumstances of the aggressive behaviour (such as its type, frequency and length), the personal characteristics of the victim (such as self-esteem and the presence of mental disorders) and the environment (e.g. support from peers):

A behavior that affects one child in a serious way may not affect another child much at all because of a whole range of things, such as individual characteristics and mental health, the kind of family support they have, and peer support.<sup>160</sup>

In the course of our study, the witnesses told us that cyberbullying was still too new for us to know its long-term impacts. Like some of the other witnesses, Professor Faye Mishna of the University of Toronto nevertheless felt that we had enough information to say that the impacts are more serious than those of traditional bullying.<sup>161</sup> This opinion is also shared by others, including Wendy Craig and Debra Pepler, who maintain that some of the features specific to cyberbullying aggravate the problems engendered by this form of violence, including its intrusive nature, the difficulty victims have in escaping from it, the fact that there is an almost unlimited audience and that it is virtually impossible to completely eliminate the harmful content. As Professor Mishna said, “[w]hen kids have had something posted online, every time they turn on their computer or laptop, they often go searching for it. They cannot help it because they know it is out there.”<sup>162</sup> As a result, they continually relive the trauma they experienced. Professor Elizabeth Meyer added that verbal or psychological violence is generally more harmful than physical violence. Here is what she told the Committee: “We know that the acts of verbal and psychological harassment, which can be face to face or online, have much more

The pain caused by bullying is widespread and the consequences are drastic. In the age of the Internet, cyberbullying knows no boundaries and it permeates all aspects of the victims’ lives. It is also corrosive for the bullies and the bystanders as well, and one role sometimes morphs into another”

Wayne MacKay

<sup>160</sup> Debra Pepler, *Evidence*, 12 December 2011.

<sup>161</sup> See also Faye Mishna, *Evidence*, 30 April 2012.

<sup>162</sup> Faye Mishna, *Evidence*, 30 April 2012.

negative long-term effects than isolated acts of physical bullying and aggression, because it does get into your mind and your sense of self, and it will stay there and ... it eats away at you.”<sup>163</sup>

The evidence we gathered shows clearly and unequivocally that even though the reactions of those targeted by online harassment are not necessarily obvious to the bullies and bystanders, this does not in any way reduce the pain and suffering experienced by the victims. The message from the young people who appeared before the Committee confirmed that the trauma caused by cyberbullying was potentially more harmful and definitely deserved special attention.

## **B. Cyberbullying and Aboriginal youth**

**When you consider the effects of cyberbullying on all youth, add to that the already at-risk Aboriginal population, and the impacts are even more devastating. - Jenna Burke**

The Committee heard from a small number of people who spoke about the impact of cyberbullying on Aboriginal young people. We nevertheless recognize, as indicated by the representative of the Congress of Aboriginal Peoples, Jenna Burke, that they are a vulnerable group as a result of numerous factors such as racism, living conditions, economic vulnerability and colonization. During her appearance, Ms. Burke read an excerpt from the report of the Royal Commission on Aboriginal Peoples, which clarifies the status of Aboriginal young people in Canada:

[Aboriginal young people]. . . are the current generation paying the price of cultural genocide, racism and poverty, suffering the effects of hundreds of years of colonialist public policies. The problems that most Aboriginal communities endure are of such depth and scope that they have created remarkably similar situations and responses among Aboriginal youth everywhere. It is as though an earthquake has ruptured their world from one end to another, opening a deep rift that separates them from their past, their history and their culture. They have seen parents and peers fall into this chasm, into patterns of despair, listlessness and self-destruction. They fear for themselves and their future as they stand at the edge.<sup>164</sup>

Suzanne McLeod of the Centre for Suicide Prevention told the Committee that:

It is projected that within the next 10 years, between 75 to 85 percent of the overall Aboriginal population will be youth under the age of 29. We have a potential crisis regarding suicide, bullying and cyberbullying, given

<sup>163</sup> Elizabeth Meyer, *Evidence*, 7 May 2012.

<sup>164</sup> Excerpt from the report of the *Royal Commission on Aboriginal Peoples* by Jenna Burke, Coordinator, National Youth Policy, Congress of Aboriginal Peoples, *Evidence*, 11 June 2012.

the fact that most of it occurs between the ages of 15 and 19 years of age.<sup>165</sup>

The Committee acknowledges that urgent action is needed. Governments, social organizations and researchers need to pay special attention to this particularly vulnerable group. Like the witnesses, the Committee feels that it is essential to support research in order to acquire a better understanding of the impact of these phenomena on young Aboriginal people and to be able to address their needs effectively.

### C. Cyberbullying and LGBTQ Youth

As discussed in Chapter Two, being perceived as “different” can increase a young person’s vulnerability to being bullied. Several witnesses stressed the ways in which intolerance and discrimination in schools can be particularly directed towards those who are and who are perceived to be lesbian, gay, bisexual, transgender, transsexual, or questioning (LGBTQ). Rates of verbal and physical harassment can be high for these youth.<sup>166</sup> Wayne MacKay noted that during the Nova Scotia Task Force’s study, “being gay was the major identifier for those who are victims of bullying.”<sup>167</sup>

Helen Kennedy discussed how for LGBTQ youth, “homophobic cyberbullying broadcasts their sexual or gender identity to the world.”<sup>168</sup> Even adults may be careful about coming out publicly as LGBTQ because it can expose them to harassment, discrimination and even physical violence: for youth this can be a traumatic experience, especially if they do not receive support from their families and peers. As discussed further on in this chapter, LGBTQ youth are generally at a higher risk of suicide.

Some witnesses discussed how pervasive homophobia and gender stereotyping remains in Canada. Elizabeth Meyer explained that it is

so embedded in the psyche and culture of our nation, of what it means to be a macho, popular, cool boy, a desirable feminine, attractive girl. These gender expectations, these sexualized criteria are taught and reinforced

The story I use in my presentations here in the States comes from the great north in Canada and pink shirt day, which is very popular. It is about the idea that a freshman shows up on the first day wearing a pink shirt; a couple of the sophomores pick on him and call him gay. A few of the seniors in the high school go to a dollar store after school, pick up 50 pink shirts and then post something on Facebook. The next day over 250 students show up at school wearing pink. This is exactly what we need to do, namely, create a climate and culture. In that case, as far as I know of, no adult was involved. The students themselves took this on to say that is not what we are about here. We do not treat people like that.

Justin Patchin

<sup>165</sup> Suzanne McLeod, *Evidence*, 14 May 2012.

<sup>166</sup> Elizabeth Meyer, *Evidence*, 7 May 2012.

<sup>167</sup> *Evidence*, 14 May 2012.

<sup>168</sup> *Evidence*, 4 June 2012.

oftentimes by the adults in the community, that our youth then repeat and perpetuate on each other, and are often ignored as forms of bullying. The kids do it because it is completely modeled, condoned and accepted. They do not even have to justify it because it has already been justified for them.<sup>169</sup>

Helen Kennedy described a study that EGALE had conducted on homophobic and transphobic violence in Canadian schools where it was found that homophobia is common and schools “are indeed unsafe and disrespectful for our LGBTQ students.” As she noted:

In the area of symbolic violence, for example, 70 per cent of all participants, gay and straight, reported hearing expressions such as “that’s so gay” every day in school. It is often said that students do not mean homosexual, they just mean stupid or worthless. For LGBTQ students, that means hearing a word that goes to the core of your identity used as a synonym for stupid or loser every single day.<sup>170</sup>

Given the hostile responses LGBTQ youth can experience from their peers and from the adults and family members in their lives, Dr. Meyer added that: “They need alternative sources of support, such as a national hotline or other federally-supported resources because their local networks will not always be supportive.” Ms. Kennedy noted that “in schools where even small efforts have been made, students report a better climate.” These efforts can include the creation of anti-homophobia and anti-transphobia policies, the formation of gay-straight alliances, as well as integrating sexual and gender diversity into classroom teaching and addressing bigotry and intolerance.

#### **D. The impact of cyberbullying on school success**

**A kid who is cyberbullied will always have the problem in the back of his or her mind and it will distract them when they need to think, such as at school or at work.  
- Oliver Buchner, a student at Springbank Middle School**

Many of the witnesses spoke about the impact of bullying and cyberbullying on academic success. The evidence points to a number of general findings that would appear to confirm that bullying can have an enormous negative impact on performance at school.

One of the consequences of bullying is school absenteeism. Marla Israel, from the Centre for Health Promotion of the Public Health Agency of Canada, said that generally speaking, “both bullies and

I still remember things that happened to me two, three, four, five years ago. I have come to terms with it now and am ok with it but it still hurts and it hurt a lot worse then.

A youth (*in camera* witness)

<sup>169</sup> Evidence, 7 May 2012.

<sup>170</sup> Evidence, 4 June 2012.

victims [...] are at higher risk for poor school functioning, poor attitudes towards school, low grades<sup>171</sup> and absenteeism.”<sup>172</sup> Throughout the study, witnesses told us that many victims of bullying missed days of school attendance because of bullying, while others stopped going to school for a while. The victims were often afraid of encountering the bullies or felt unable to associate with their peers without knowing whether they had seen the harmful online content about them.

In her brief, Professor Faye Mishna says that “[s]tudents who are cyber bullied report feeling ... unable to concentrate on school.”<sup>173</sup> These comments were confirmed by the young people we met in the course of the study and by Marla Israel, who told the Committee that “there are long-lasting changes to the brain that can be directly attributed to bullying, making it difficult to concentrate, remember and learn.”<sup>174</sup>

According to Bill Belsey, “[t]he bottom line is: Kids who are scared to go to school because of bullying in the traditional sense or cyber-bullying can never ever achieve th[eir full] potential.”<sup>175</sup> Bullying also affects their right to an education. We will discuss this in Chapter 4 of the report.

## **E. The impact of cyberbullying on health**

During her appearance, Wendy Craig spoke about the findings of some of her research on bullying, including a study conducted with Debra Pepler, which showed clearly that young people who had been cyberbullied were deeply affected by the experience:

We asked the children about their quality of life through different kinds of questions, and kids who had been cyber-bullied reported that they had less of a quality of life. They were less interested in living. They did not feel appreciated or liked by others. They felt there was no point.<sup>176</sup>

The evidence presented to the Committee showed that young people, both bullies and victims, were at risk of exhibiting emotional, behavioural or relational problems not only at the time of the incident, but in the longer term. Studies on the impacts of bullying have shown that victims often feel that they are alone in trying to deal with the problems that affect them. Generally speaking, the Committee was told that bullying heightened victim isolation. Students victimized on a regular basis in primary school are predisposed to social isolation and anxiety.<sup>177</sup> Some victims are unable to forge relationships afterwards.<sup>178</sup>

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<sup>171</sup> Paul Taillefer, President of the Canadian Teachers Federation, also informed the Committee that studies had shown that some victims’ academic performance worsened as a result of bullying, *Evidence*, 14 May 2012.

<sup>172</sup> Marla Israel, Acting Director General, Centre for Health Promotion, Public Health Agency of Canada, *Evidence*, 7 May 2012.

<sup>173</sup> Faye Mishna, *Cyber Bullying*, written submission to the Standing Senate Committee on Human Rights, 30 April 2012, p. 4.

<sup>174</sup> Marla Israel, *Evidence*, 7 May 2012.

<sup>175</sup> *Evidence*, 12 December 2011.

<sup>176</sup> Wendy Craig, *Evidence*, 12 December 2011.

<sup>177</sup> *Ibid.*

<sup>178</sup> Paul Taillefer, *Evidence*, 14 May 2012.

It was further explained to the Committee that psychological symptoms also include “bad temper and feeling nervous, lonely and helpless.”<sup>179</sup> This was also the outcome of research that considered the victims’ points of view. As Professor Mishna observed, “students who are cyber bullied report feeling sad, anxious, afraid ... and may report social difficulties.”<sup>180</sup> This was also the position held by Marla Israel, who commented that young victims complained most often of anxiety and depression.<sup>181</sup>

Some longitudinal studies begun in Norway by Dan Olweus in the 1970s found that children who had been repeatedly victimized generally had low self-esteem. This was something that stayed with them even as adults.<sup>182</sup> Nevertheless, not all children react in the same way to bullying. As Professor Shelley Hymel pointed out, “[i]t is not automatic that [bullying has] a low self-esteem effect.”<sup>183</sup> The research shows that the effects on low self-esteem vary with the number of children targeted by the harmful behaviour. For example, the repercussions were greater for children who were the only victims of bullying in their class, compared to those targeted as part of a group.<sup>184</sup>

Professor Elizabeth Meyer also commented that “students who have been victimized repeatedly over time with various forms of bullying and harassment have a much greater likelihood of engaging in a whole variety of self-harming behaviours,”<sup>185</sup> like self-mutilation and eating disorders. Wendy Craig also told the Committee that young girls who were victims of bullying on a regular basis at primary school were at high risk of eating disorders.

Studies have also shown that other physical symptoms of bullying complained of by victims most often include headache, stomachache,<sup>186</sup> backache and dizziness.<sup>187</sup> The more frequent the bullying, the more the young person is likely to experience symptoms of poor health, whether physical, emotional or mental.<sup>188</sup>

Rina Bonanno’s work, which was presented to the Committee by Professor Shelley Hymel, would appear to indicate that observers are also vulnerable. According to her research, the more young people see acts of bullying at school in which they would like to intervene to help the victim, the more likely they are to suffer depression and to experience suicidal ideation.<sup>189</sup>

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<sup>179</sup> Brief presented to the Committee on 28 May 2012. The study entitled *UN Study on Violence Against Children* (2006) is available at <http://www.unviolencestudy.org/>.

<sup>180</sup> Faye Mishna, *Cyber Bullying*, written submission to the Standing Senate Committee on Human Rights, 30 April 2012, p. 4.

<sup>181</sup> Marla Israel, *Evidence*, 7 May 2012.

<sup>182</sup> See Shelley Hymel’s *Evidence*, 7 May 2012.

<sup>183</sup> *Ibid.*

<sup>184</sup> Shelley Hymel, *Evidence*, 7 May 2012.

<sup>185</sup> *Evidence*, 7 May 2012.

<sup>186</sup> Marla Israel, *Evidence*, 7 May 2012.

<sup>187</sup> Brief presented to the Committee on 28 May 2012. The study entitled *UN Study on Violence Against Children* (2006) is available at <http://www.unviolencestudy.org/>.

<sup>188</sup> *Ibid.*

<sup>189</sup> Shelley Hymel, *Evidence*, 7 May 2012.

Faye Mishna emphasized that children and young people needed to feel safe in order to learn and develop. The long-term effects of bullying can consequently be considerable, both for the young people who bully others and for the direct and indirect victims.

## F. Cyberbullying and suicide

**Some of the emails have been very bad. I've thought of suicide. - A youth (*in camera* witness)**

Suicide is a serious public health problem. In her appearance, Suzanne McLeod told the Committee that “suicide is the second-leading cause of death for Canadian teenagers between the ages of 15 to 19 years of age. One in five Canadian teenagers suffers from some kind of mental illness, yet less than 10 percent of those who need mental or addiction services will receive them.”<sup>190</sup> She stressed that suicide was a desperate problem among young Inuit and young members of Canada’s First Nations. The suicide rate for young Inuit is approximately 11 times higher than the national average; for young members of First Nations, it is 5 to 7 times as high.<sup>191</sup> Other youth groups are at higher risk as well. For example, this is the case for LGBTQ youth who have been rejected by their families, who are 9 times more likely than young heterosexuals to commit suicide.<sup>192</sup> LGBTQ youth also have a higher suicide rate and a higher level of suicidal ideation than the rest of Canada’s population.<sup>193</sup>

In recent years, there has been considerable media interest in the relationship between bullying and suicide, and numerous media reports of incidents in which bullying and cyberbullying were considered a contributing factor. Despite this frequent connection between bullying and suicide, Suzanne McLeod reminded the Committee that “there is a relative dearth of solid research that establishes a direct relationship between cyberbullying and suicide.”<sup>194</sup>

Like several other witnesses, she warned the Committee not to treat cyberbullying or traditional bullying as the sole cause of suicide among young people. The causes of suicide are complex, and in most instances the decision to take one’s life results from a combination of factors, such as alcohol and drug abuse and mental disorders. Faye Mishna pointed out that “[w]hile experiences of cyberbullying may be one cause or contributor to suicide, it is difficult to assess the level and extent to which these experiences contribute to the decision to commit suicide above and beyond, and in combination with, additional vulnerabilities.”<sup>195</sup> Her argument was echoed by Suzanne McLeod, who said that “[i]t was not just cyberbullying in itself. It is unlikely that

<sup>190</sup> Suzanne McLeod, Curriculum Developer, Centre for Suicide Prevention, *Evidence*, 14 May 2012.

<sup>191</sup> *Ibid.*

<sup>192</sup> Helen Kennedy, Executive Director, Egale Canada, *Evidence*, 4 June 2012.

<sup>193</sup> Public Health Canada, *The Chief Public Health Officer’s Report on the State of Public Health in Canada, 2011, 2012.*

<sup>194</sup> Suzanne McLeod, *Evidence*, 14 May 2012.

<sup>195</sup> Faye Mishna, *Cyber Bullying*, written submission to the Standing Senate Committee on Human Rights, 30 April 2012, p. 12.



cyberbullying in itself leads to suicide; rather, it tends to increase the factors of instability and stress on an individual.”<sup>196</sup>

As Ms. McLeod said, “[t]here is, however, a proven link between traditional bullying, peer harassment and victimization that contribute to depression, loss of self-worth, hopelessness and loneliness. These are all precursors to suicidal thoughts, behaviours and attempts.”<sup>197</sup> It should therefore not be surprising to find that the evidence indicates that more perpetrators and victims of bullying report suicidal tendencies.<sup>198</sup> Research described by Suzanne McLeod revealed that “[c]yberbullying victims were almost twice as likely to have attempted suicide compared to youth who had not experienced it.”<sup>199</sup>

The testimony heard by the Committee on this question reveals that considerable research is still needed if we are to acquire a better understanding of the links between cyberbullying and suicide.

## G. The consequences of inaction

**...schools are the most cost-effective place in which to address bullying. For example, several studies have now demonstrated links between early bullying and later delinquency and criminal behaviour. Take that in conjunction with research by an economist named Cohen in 1998 who determined that one high-risk youth who drops out of school and becomes a career criminal costs society \$1.3 to \$1.5 million over a lifetime. In Canada, it is estimated that we spend over \$9 billion annually on relationship violence. I contend that the costs of prevention through our schools and through research would be far less than the cost of dealing with the aftermath. - Shelley Hymel**

Although the Committee’s study does not address this economic aspect of the problem, the evidence heard nevertheless indicates that inaction with respect to bullying among young people is costly.

We were told that young perpetrators of bullying do not automatically stop bullying in adulthood. Several witnesses agreed that without positive intervention, bullying would continue and be accompanied by other forms of harmful behaviour. Wendy Craig described it as follows:

...children who are bullying regularly and frequently in elementary school have learned to use power and aggression in their peer relationships. They transfer them into their romantic relationships because they are also much

<sup>196</sup> Suzanne McLeod, *Evidence*, 14 May 2012.

<sup>197</sup> *Ibid.*

<sup>198</sup> Marla Israel, *Evidence*, 7 May 2012. Suzanne McLeod also pointed out that all forms of bullying are very often related to the renewed appearance of suicidal ideation, *Evidence*, 14 May 2012.

<sup>199</sup> Suzanne McLeod, *Evidence*, 14 May 2012.

more likely to engage in physical aggression in their romantic relationships. They are much more likely to engage in delinquent and criminal acts.<sup>200</sup>

This argument was put forward by a number of witnesses who maintained that bullying could be a warning sign of delinquent behaviour. For example, Faye Mishna said that young people who bully “are more likely to become criminals and to be involved in later kinds of violence in workplaces and with romantic relationships.”<sup>201</sup> According to Debra Pepler, young girls who bully frequently or even moderately also represent a high risk of being physically aggressive towards their boyfriends.<sup>202</sup> Wendy Craig said something similar in her appearance, when she noted that “those children who bully at a high rate consistently in elementary school are at high risk for engaging in a moderate or high level of delinquency by the time they are in high school.”<sup>203</sup> Debra Pepler mentioned, in reference to a longitudinal study, that “[i]n grade 8, children who bullied were three to four times more likely to be involved in gangs.”<sup>204</sup> Finally, Marla Israel of the Public Health Agency of Canada said something similar when she noted that “[c]hildhood bullying can lead to sexual assault, harassment, dating aggression and other forms of violence later in life, especially among boys.”<sup>205</sup>

During his appearance, Daniel Sansfaçon of the National Crime Prevention Centre, reported to the Committee specific data about the involvement of young people who bully in delinquent activities:

Existing literature establishes that bullying behaviour during childhood is closely associated with future delinquent and criminal behaviour in adolescence and adulthood. Self-reported delinquency studies, for example, reveal that 40 percent of the boys and 31 percent of the girls who frequently bully are also involved in delinquent behaviour, as opposed to 5 percent of the boys and 3 percent of the girls who never or infrequently bully.

Furthermore, research has found that children who bully are 37 percent more likely than those who do not to commit offences as adults.<sup>206</sup>

Generally speaking, the witnesses agreed that it was essential to make bullying in schools a priority with a view to reducing violence and crime and to enable young people to develop their full potential and take their place in society.

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<sup>200</sup> *Evidence*, 12 December 2011.

<sup>201</sup> *Evidence*, 30 April 2012.

<sup>202</sup> Debra Pepler, *Evidence*, 12 December 2011.

<sup>203</sup> *Evidence*, 12 December 2011.

<sup>204</sup> Debra Pepler, *Evidence*, 12 December 2011.

<sup>205</sup> *Evidence*, 7 May 2012.

<sup>206</sup> Daniel Sansfaçon, Director, Policy, Research and Evaluation, National Crime Prevention Centre, Public Safety Canada, *Evidence*, 7 May 2012.

## CHAPTER FOUR: TAKING A HUMAN RIGHTS-BASED APPROACH TO CYBERBULLYING

**Children and youth have the right to be safe and free from violence. Those adults responsible for them, not just in the home and in the school but in all places where children and youth are, have a responsibility to promote their healthy development and to keep them safe. There is no question that electronic bullying is a violation of children’s rights; and from that perspective, we need to find effective practices and policies. - Debra Pepler**

### A. Children’s rights in international law

When a child has been bullied, or cyberbullied, his or her right to be free from violence has been violated. If the child’s studies suffer or she fears going to school, her right to receive an education and to develop to her full potential may also have been violated. And, where they suffer physical or mental trauma, children’s right to health may be violated as well. Children have the right to receive the information and care needed to help them understand the full consequences of bullying behaviour, and the negative impacts it can have on them and their community. Bystanders of bullying and classmates also have the right to receive an education, and a school climate that supports bullying may interfere with this. Equally important, children have the right to have their voices heard and for their best interests to be a primary consideration when anti-bullying initiatives are being created for them.

While there are various legal sources of these and other rights held by children (such as Canada’s Constitution, federal and provincial human rights legislation, and international treaties), the Standing Senate Committee on Human Rights examined cyberbullying within the context of Canada’s obligations under the United Nations *Convention on the Rights of the Child* (the “Convention”). More specifically, we considered Article 19, which affirms that states have an obligation to take all appropriate measures (whether legislative, administrative, social or educational) to protect children from all forms of physical or mental violence.<sup>207</sup> The United Nations Committee on the Rights of the Child has stated that Article 19 applies to: “Psychological bullying and hazing by adults or other children, including via information and communication technologies (ICTs) such as mobile phones and the Internet (known as ‘cyberbullying’).”<sup>208</sup>

<sup>207</sup> Excerpts from the Convention are included in Appendix C.

<sup>208</sup> See Committee on the Rights of the Child, *General comment No.13 (2011), The right of the child to freedom from all forms of violence*, p. 10, 18 April 2011. “Hazing” refers to rituals and other activities involving harassment, violence or humiliation which are used as a way of initiating a person into a group.

The Convention was adopted by the General Assembly of the United Nations in November 1989. After participating in the negotiation and drafting process, Canada signed it on 28 May 1990 and ratified it on 13 December 1991. In 54 articles and 2 optional protocols, the treaty covers a wide range of children's needs and interests as framed in terms of human rights. In its preamble, the Convention affirms such aspirations as raising children in accordance with "the spirit of peace, dignity, tolerance, freedom, equality and solidarity." It confirms that children have the same "inherent dignity" as any other person. It emphasizes in Article 3 that in "all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." It also sets out specific rights, such as "the right of the child to the enjoyment of the highest attainable standard of health" (Article 24) or the right to not be subjected to "arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation" (Article 16). Article 28 is also relevant to this study, as it requires States Parties not only to make education accessible to all children, but also "to ensure that school discipline is administered in a manner consistent with the child's human dignity." School discipline is explored further in Chapter Five. All of these rights must be considered in future policy development concerning cyberbullying.

As noted by Christian Whalen, the Acting Child and Youth Advocate from the Office of the Ombudsman of New Brunswick, Article 17 is also particularly pertinent to this study.<sup>209</sup> It calls upon States Parties to "ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health." It also calls for "the development of appropriate guidelines for the protection of children from information and material injurious to his or her well-being," while being mindful of other rights, such as freedom of expression, as well as the responsibilities of parents. This provision therefore calls for children to be educated in a manner that encourages their sense of freedom, but that also ensures that the information they receive is suitable for their age.

Mr. Whalen raised interesting questions about whether Canada's current models for online service provision and current trends in Internet use by Canadian children are in compliance with Article 17. Other witnesses expressed concerns about online safety for youth, and whether Canada should be doing more to make sure that popular children's websites for young people are respecting their rights. The Committee believes that these questions and concerns merit further national discussion.

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<sup>209</sup> *Evidence*, 4 June 2012.

## B. A rights-based approach

The Convention is often described as a “rights-based” treaty in that its focus is on children as persons with their own set of rights and not simply as objects of concern or of charity requiring protection. By treating them as individuals *in* their own right and *with* their own rights, the goal is that children will come to understand their responsibilities in society. In 2007, the Standing Senate Committee on Human Rights reviewed the benefits of taking a rights-based approach to developing policies and programs for children in its report, *Children: the Silenced Citizens - Effective Implementation of Canada’s International Obligations with Respect to the Rights of Children*.<sup>210</sup>

The rights-based perspective requires approaching issues affecting a child with the full range of his or her rights in mind and balancing any competing interests or conflicting rights that might be held by such individuals or groups as other children, adults, corporations, or governments. As Marvin Bernstein from UNICEF Canada explained, this “balance must be anchored in the best interests of the child, as the primary consideration, taking into account the child’s right to be heard and taken seriously and the recognition of the evolving capacities of children and young people.”<sup>211</sup>

The Committee previously identified the following principles that a rights-based approach should be based on:

- that all rights are equal and universal;
- that all people, including children, are the subject of their own rights and should be participants in development, rather than objects of charity; and
- that an obligation is placed on states to work towards ensuring that all rights are being met.

These key elements take on a particular significance with children because of their vulnerability, the frequent imbalance between the protection of children’s rights and those of adults, and the resulting tendency for policy, law, and decision-makers to adopt more paternalistic approaches to children’s issues.

Another important element of taking a rights-based approach is regularly assessing how well States Parties are fulfilling their obligations to promote and protect the rights guaranteed by international treaties. In the *Silenced Citizens* report, the Committee outlined a number of ways in which Canada could better implement the *Convention on the Rights of the Child*. We noted witnesses’ concerns that Canada was not living up to its treaty obligations with respect to bullying and that a greater effort was necessary to “take all appropriate legislative, administrative, social and educational measures” as called for by Article 19. The report recommended a national strategy to combat bullying that should include a national education campaign to teach children, parents, and

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<sup>210</sup> *Children: The Silenced Citizens, Effective Implementation of Canada’s International Obligations with Respect to the Rights of Children*, April 2007, <http://www.parl.gc.ca/39/1/parlbus/commbus/senate/com-e/huma-e/rep-e/rep10apr07-e.htm>.

<sup>211</sup> *Evidence*, 4 June 2012.

teachers about bullying, and to promote conflict resolution and effective intervention strategies.<sup>212</sup> Five years later, although new government programs are being developed,<sup>213</sup> witnesses are still concerned that there is much more that Canada could be doing about bullying.

During our hearings on cyberbullying, some witnesses thought Canada was doing comparatively well in meeting its obligations under the Convention to respond to bullying and cyberbullying. Others thought we were in the “middle” of comparable developed countries, and many thought there was still much that can be done in this regard. Marla Israel explained that there has been momentum over the last five years about raising awareness of the importance of these issues, while cautioning that: “As with any public health issue there is always the perception that more would need to be done.”<sup>214</sup>

A human rights perspective can improve our efforts to address cyberbullying in a number of ways. It can be used to develop a school curriculum that promotes compassion and respect among students. It requires that adults not only be mindful of the best interests of the child in developing anti-cyberbullying and other school policies, but also ensuring that children have a chance to participate in their creation. It also means that a child’s stage of development must be considered in matters of discipline or during any legal proceedings, whether the child is the victim or the cyberbully. Lastly, focusing on the rights included in the Convention can help set appropriate indicators and benchmarks for measuring the implementation of government programs and whether they are improving conditions for children (as explained in Chapter Six).

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<sup>212</sup> *Children: The Silenced Citizens, Effective Implementation of Canada’s International Obligations with Respect to the Rights of Children*, April 2007, <http://www.parl.gc.ca/39/1/parlbus/commbus/senate/com-e/huma-e/rep-e/rep10apr07-e.htm>, see Recommendation 3 at p. 74.

<sup>213</sup> For more information about Government of Canada programs presented to the Committee, please see Appendix E.

<sup>214</sup> *Evidence*, 7 May 2012.

## CHAPTER FIVE: ROLES AND RESPONSIBILITIES OF STAKEHOLDERS

### A. Developing a whole community approach

**We need to create cultures of respect and empathy in our schools, which will permeate all aspects of school life and the student-teacher and administration relationships. Parents and the wider community must be included as integral members of this culture. ... The idea is that you have the whole school culture, and everybody is responsible as an individual for his or her actions and how they impact on everyone else in the school. - Cathy Wing**

Several youth who spoke with the Committee expressed their frustrations in trying to find someone who could help them deal with cyberbullying, often making them reluctant to report it (as discussed in Chapter Two). Wayne MacKay observed that there is a lack of accountability with regard to who should be addressing bullying or cyberbullying. He added that: “Schools say, ‘If it is off school premises, it is not us.’ Police say, ‘We do not have the actual basis in the *Criminal Code*.’ Parents say, ‘We do not know enough.’”<sup>215</sup> Given the complex nature of cyberbullying, with its myriad root causes and effects on Canadian society, it is not surprising that in order to address its challenges, a broad range of stakeholders must become engaged.

Cyberbullying is not simply the responsibility of schools, parents or legislators: the whole of the Canadian population must work together to reduce the harms it can cause and to promote positive social values that are incompatible with cyberbullying. Our witnesses referred to this as the “whole community approach,” or when specifically looking at the school community, as the “whole school approach.” The key stakeholders in such an approach include children, their parents and other adults, schools, volunteers, social service providers, corporations and businesses – in particular telecommunications and media companies – and all levels of government. On this topic, Professor Shelley Hymel offered a variation on an old adage: “If it takes a whole village to raise a child, then I

I think it is really important to stress telling people because it is so easy to just tell people to tell people, but I do not think people quite understand why it is important... If you want kids to report it and to report it early, then I think what we need to make sure that there is a safe place to do it and that people 100% follow through and do something. I have been in my counselor’s office in school and have said stuff and pretty much just been told “that sucks; move on with your life.” Nothing was done.

A youth (*in camera*)

<sup>215</sup> *Evidence*, 11 June 2012.

think it takes a nation to change a culture, and that is what we need to do.”<sup>216</sup> In explaining why whole community efforts are successful, Professor Shaheen Shariff said, “In the schools where cyberbullying or bullying takes place the least is where the parents and kids are engaged in developing programs, working out the consequences and working together.”<sup>217</sup>

Shelley Hymel explained how in recent years, studies are demonstrating that the whole community approach is most effective in dealing with bullying. She added, however, that whole community programs have been able to decrease bullying in schools by at best 40 per cent. When “these model programs are left to schools, the research is suggesting the reduction is more like 17 to 23 per cent.”<sup>218</sup> Such evidence reinforces the point that the more the whole community can get involved, the greater the likelihood that rates of bullying will decrease.

Putting the whole community approach into practice means ensuring that parents are engaged with the school community and that teachers are properly supported. As Matthew Johnson clarified:

Doing a program that gets the school involved but where the parents do not even know about it means that students are not getting the same message at home necessarily as they are getting at school. We know that every level of the school needs to be involved. Obviously, the students must be involved. Teachers need to receive training on how to deal with these issues. They also need to have clear channels and procedures for how to deal with it, so that they do not feel it is all on their shoulders to make judgment calls; that they understand how to deal with it in the classroom but also know consistently how to deal with it in terms of handing it up to the administration.<sup>219</sup>

As an example of putting this into practice, Amélie Doyon explained that the “approach at the Red Cross” is that for “every youth training session that we have, we also have an adult component to it, so everybody is on the same page.”<sup>220</sup>

The development of a whole community approach will benefit from the leadership of Canadian governments, as discussed further in the sections below. Given the provincial jurisdiction over education, much of the dialogue and media attention in Canada over recent years has focused on the efforts of provincial governments to respond to cyberbullying in schools. However, there is also an important role for the federal government to play in addressing those aspects of cyberbullying that are of national concern and in continuing with its efforts pertaining to criminal law and health through the work of such departments as Public Safety Canada and its National Crime Prevention Centre, the Royal Canadian Mounted Police and the Public Health Agency of Canada.<sup>221</sup>

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<sup>216</sup> *Evidence*, 7 May 2012.

<sup>217</sup> *Evidence*, 30 April 2012.

<sup>218</sup> *Evidence*, 7 May 2012.

<sup>219</sup> *Evidence*, 30 April 2012.

<sup>220</sup> *Evidence*, 4 June 2012.

<sup>221</sup> Current government programs discussed during our hearings are set out in Appendix E.



## B. Engaging children and youth

**[G]ive young people a voice and ownership. Empower them to work and even contribute to codes of conduct. Under Article 12 of the *Convention on the Rights of the Child*, we need to address participation rights of children, and we do not have an excellent record of doing that in Canada. We need to do better. - Shaheen Shariff**

As this Committee has written before, the best way to determine what is in children's best interests is to consult with them.<sup>222</sup> It is not simply that children have a right to be heard on how cyberbullying is affecting them; children are also the subject matter experts. Today's generation of children have the power to shape how the Internet and related media can be used as positive forces. Wayne MacKay referred to children as "the key players."<sup>223</sup> Several witnesses explained how the technological generational gap creates an important opportunity for children and adults to work together to address cyberbullying. As Professor Shapka explained:

Having novices teach the experts is not likely to be an effective way of creating meaningful learning experiences that lead to positive behavioural change. Instead, I think we need to harness the power of the youth voice and create programs that are youth initiated and youth led. By engaging youth at genuine and not token levels, they will become active agents of change instead of passive victims who we are trying to protect.<sup>224</sup>

Professor Mishna also felt that young people's voices are needed in these matters because they can help identify what "is problematic and what is not," but she added that "because developmentally they are still young and do not know how to use what they know, they still need the guidance."<sup>225</sup>

Other witnesses underscored the positive contributions young people can make. As Christian Whalen explained:

If you tap into the creativity of Canadian youth and put the challenge out to them, they will find much better and inventive ways of connecting with peers, opening up the conversations and challenging behaviours that are unwanted.... Canadian youth are driving this agenda. I think that is something they have to be commended for, and we have to, as adult allies, work with them toward solutions that they may devise.<sup>226</sup>

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<sup>222</sup> *Children: The Silenced Citizens, Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, April 2007, <http://www.parl.gc.ca/39/1/parlbus/commbus/senate/com-e/huma-e/rep-e/rep10apr07-e.htm>.

<sup>223</sup> *Evidence*, 11 June 2012.

<sup>224</sup> *Evidence*, 14 May 2012.

<sup>225</sup> *Evidence*, 30 April 2012.

<sup>226</sup> *Evidence*, 4 June 2012.

Shaheen Shariff emphasized that the act of involving children in finding solutions for appropriate uses of technology is in itself an important vehicle for promoting change in school culture because “then they understand why they are doing it, they are proud of it, they take ownership and they will ensure that happens in the school context.”<sup>227</sup> Lastly, Stan Davis from Stop Bullying Now also noted that children’s familiarity with technology can be applied through helping each other learn about “how to behave digitally,” in particular with older youths helping the younger children.<sup>228</sup>

Young people also have the ability to make practical contributions in responding to incidents of cyberbullying, such as by taking steps to denounce bullying rather than being a complicit bystander, or to help bullying victims after the fact by reassuring them that the treatment they received from the bully was inappropriate.<sup>229</sup> Professor Tina Daniels explained the importance of children providing support to each other:

We can go a long way to helping individuals who are being targeted if other kids can say — even not in the moment but later — “I saw what happened to you on the playground and that was bullying, and I did not agree with it.” Most children who are being targeted say that because no one says anything, they think that everyone is in agreement and that everyone thinks they deserve what they got.<sup>230</sup>

There are many ways that adults can involve young people in addressing cyberbullying. Schools can engage them in working on codes of conduct or in creating tolerance-building groups such as the gay-straight alliances proposed in Ontario’s recent anti-bullying legislation.<sup>231</sup> Governments can consult with children, or perhaps, as Jeremy Dias recommended, they can establish a “youth committee” that could “design youth strategies and

[W]e have had examples of a mock Facebook account set up under a student's name. Trying to shut down a Facebook website would be nearly impossible and could take months. Essentially the students set up a mock website using another student's name and then pretended to be them. Other students in the school were friending them, thinking it was actually that person but it was all a joke.

The counsellor in the school, because of shutting down the website or trying to figure out who was doing it, had a nearly impossible task. She took a completely different approach. If you take away the audience, it will not exist anymore. She approached one the very influential people linked to the site as a friend and said, "Do you know what is going on? This is not that person. Can you go on there and tell everyone else? Unfriend the account; it is not that person." She did it and because of the influence that student had, the other people followed suit.

Trevor Knowlton

<sup>227</sup> *Evidence*, 30 April 2012.

<sup>228</sup> *Evidence*, 11 June 2012.

<sup>229</sup> See for example the testimony of Shelley Hymel, 7 May 2012.

<sup>230</sup> *Evidence*, 7 May 2012.

<sup>231</sup> Bill 13, Accepting Schools Act, 2012, [http://www.ontla.on.ca/web/bills/bills\\_detail.do?locale=en&Intranet=&BillID=2549](http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=2549).

maybe be responsible for a funding portfolio that would support local youth-based anti-bully efforts.”<sup>232</sup> The key message is that involving young people will empower them and produce better results in addressing cyberbullying.

## C. Schools

**The response we advocate in terms of cyberbullying for schools is something we call the whole-of-school-community approach. This reiterates some of what the previous witnesses were saying about the school reaching beyond the school gate. It needs to reach out and inform parents, children, young people, teachers, but also all school staff and leadership. Everyone needs to be aware of what cyberbullying is and the fact that it has an impact. There is a role for everyone within this community in preventing and responding to cyberbullying, and we want to engender that approach when we talk about cyberbullying in schools - William Gardner**

### 1. School climate

As discussed in Chapter Two, positive school climates can have an important impact on decreasing instances of cyberbullying. Developing a positive school culture that respects human rights and social values can be a challenge, but witnesses suggested that progress can be made by recognizing that everyone in the broader school community is an equal participant in fostering change. Sandi Urban Hall stressed the importance of building relationships among students and between families and the community as this builds inclusivity, which makes students “less vulnerable.”<sup>233</sup> Faye Mishna added that “the whole school needs to be involved in terms of policies, teachers, parents and bystanders so when [a] child might come to retaliate, there is more support.”<sup>234</sup> She further explained that the whole-school approach is also a long-term process. Instead of dealing with incidents of cyberbullying with one meeting, the children in the school must be engaged in an ongoing process of developing a school culture that discourages bullying behaviours. Shaheen Shariff also felt that anti-bullying programs must be “a part of a child’s education throughout” and that what works “is integrating and

The next day I went to my school and I talked to the principal, the counsellor, just about all the office staff about it, and they did not help me. They did not show any support. They didn’t do anything at all. They’ve done nothing and they don’t care.

A youth (*in camera* witness)

<sup>232</sup> Evidence, 11 June 2012.

<sup>233</sup> Evidence, 14 May 2012.

<sup>234</sup> Evidence, 30 April 2012.

modeling respectful behaviour and on and offline social communication in every aspect of school life and the school curriculum.”<sup>235</sup>

One of Tina Daniels’ solutions for improving school climate is to track and monitor it. She explained how this had worked in a school she visited that was tracking the amount of bullying: “Across the year it declined by 50 per cent. They had big charts in the halls and were congratulating the children. It was powerful for them and highly motivating as well.”<sup>236</sup> Scott Hirschfeld from the Anti-Defamation League offered other practical solutions to help schools get their anti-bullying programs underway. He suggested starting with conducting “needs assessments” and surveys to “learn more about their experiences, perceptions and needs with regard to cyberbullying and other issues related to school climate and safety” and collect data that “can be used to inform policy, program and instruction.” He also recommended that schools form a team or assign an existing committee to be responsible for keeping up with laws, policies, best practices and current trends regarding cyberbullying and Internet safety to plan and coordinate instructional and programmatic activities that increase awareness of cyberbullying in their institutions, to build relationships with relevant communities members, including local law enforcement officials that deal with cybercrimes.

## 2. Teaching rights and digital citizenship in schools

**The *Convention on the Rights of the Child* has been in existence for 20 years, the most universally ratified human rights instrument in the world, yet it has not really percolated and impacted our universities, our curriculum. Our social workers graduate from social work schools, our educators come out of faculties of education, lawyers graduate from law faculties without any notion of children's rights. There is a huge bit of work that must be done at that level. - Christian Whalen**

**There is little time built in to give kids information, to help build skills, and to give them time and support in practising how to interact ethically and positively in an online environment, what to do if they come across bullying or if they are pressured into participating in that kind of behaviour. We definitely need to carve out time for that type of education. - Scott Hirschfield**

Several witnesses spoke about the concept of “Digital Citizenship” as a concept encompassing the various moral and ethical responsibilities we all have, both as members of our communities and as global citizens engaging with each other through technology. Professor Justin Patchin summarized this concept as “basic Golden Rule stuff” and “teaching kids to treat others with respect

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<sup>235</sup> *Evidence*, 30 April 2012.

<sup>236</sup> *Evidence*, 7 May 2012.

and living their lives with integrity, doing the right thing, whether online or offline.”<sup>237</sup> Jennifer Shapka stressed the importance in anti-bullying campaigns of focusing on “social-emotional learning and development,” while making “it clear that social responsibility extends to what we are doing when we are in virtual environments.”<sup>238</sup> Professor Wayne MacKay echoed these sentiments, adding that:

There are still basic things like respect, responsibility, and a sense of community and accountability. It is in a different medium and a different forum, but the same kind of good citizen, good human being lessons that we teach people are what we need to teach children about online.<sup>239</sup>

In its written submission, Facebook also defined digital citizenship as including both “the right to own the information that we create online, and to represent ourselves accurately to the audience of our choice” and “the responsibility to treat others, as we want to be treated, to respect people’s digital space, and to stand up for others online.”

The Committee heard many concerns expressed over the fact that positive social behaviour and values are not sufficiently taught in Canadian schools. For instance, Alisha Virmani, a youth leader for the Canadian Red Cross, said:

When I was in elementary school, there was not a lot being taught, as part of the traditional education curriculum, in terms of compassion and normal social skills. A lot of the skills are assumed for children to develop, and it is assumed that these skills are taught by their parents. Much of the time there are missing links there and the actual education for children is not put in place.<sup>240</sup>

Many witnesses, however, stressed that teaching these social skills and fostering a respect for human rights and the values of digital citizenship is a key element in addressing cyberbullying. Christian Whalen felt that “creating a general culture around children’s rights is not an easy thing to do, but it is probably the best way to respond to the breakdown of harmonious and responsible relationships which others have described.”<sup>241</sup> Faye Mishna also explained why “the human rights perspective” can be “very powerful for youth”:

When they find that they have been bullied or cyberbullied and learn that they have the right not to be, it changes how they feel. They have not thought about that. As well, perpetrators do not realize that they are violating someone's rights.<sup>242</sup>

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<sup>237</sup> *Evidence*, 14 May 2012.

<sup>238</sup> *Evidence*, 14 May 2012.

<sup>239</sup> *Evidence*, 11 June 2012.

<sup>240</sup> *Evidence*, 4 June 2012.

<sup>241</sup> *Evidence*, 4 June 2012.

<sup>242</sup> *Evidence*, 30 April 2012.

Shaheen Shariff argued that Canadians should be encouraging “digital citizenship that will help youth develop the filters to define the line between fun and cyber-bullying, and define the boundaries between public and private online spaces.”<sup>243</sup> Both she and Cathy Wing emphasized that digital citizenship needs to be taught as soon as children start to go online, especially given the “wide range of complex skills” youth require to “make wise, informed and ethical online decisions.”<sup>244</sup> Scott Hirschfield raised the importance of ensuring that among these skills, children develop critical thinking skills, or “media literacy,” and how

...to be critical consumers of everything from movies and television to advertisements and videogames so that they are thinking critically about the messages — who makes them, why, what they mean — and the extent to which they are buying into those messages and ideals, et cetera.<sup>245</sup>

Again, children’s participation is of paramount importance in teaching rights and digital citizenship. As Stan Davis explained:

We found that as we shift the frame conceptually sometimes from cyberbullying to digital citizenship and to what it means to be a positive citizen of this new world that young people are moving into, we get a lot of creative thinking and a lot of potential for teenagers teaching other teenagers and teaching younger people, which leads to much improved behaviour in the digital world.<sup>246</sup>

### 3. Teaching with technology

**I think the same tool that got us here is what we will have to use to ultimately get us out of here. We have to go where the youth are. If they are using social media, then we have to use that to tackle the problem. - Jenna Burke**

In addition to teaching the values of respecting rights and good citizenship, schools also need to directly engage with cyberbullying issues by teaching about the technology used to perpetrate it. Many witnesses<sup>247</sup> recommended that modern technology and social media be better integrated into the classroom in a meaningful way. In discussing her view that a lack of “digital literacy skills” in schools is the main barrier in improving children’s skills in dealing with cyberbullying, Cathy Wing explained that: “Many blame school policies that ban or restrict cell phones, websites and social media platforms for taking away the authentic learning experiences and opportunities kids need to

<sup>243</sup> *Evidence*, 30 April 2012.

<sup>244</sup> *Evidence*, 30 April 2012.

<sup>245</sup> *Evidence*, 4 June 2012.

<sup>246</sup> *Evidence*, 11 June 2012.

<sup>247</sup> See for example the testimony of Jenna Burke, Cathy Wing, Wayne MacKay, and Matthew Johnson.

develop skills such as good judgment and responsible Internet use.”<sup>248</sup> Professor Elizabeth Meyer further summarized this current situation as follows:

A lot of schools have so many firewalls and blocks up that when teachers are trying to do digital literacy activities they are not in an authentic online environment. They do not have an opportunity to work with students in an adult-mediated learning situation to help them learn to navigate and make judicious decisions about what goes online, in private spaces, semi-public spaces and public spaces online. We need to think about how our schools are dealing with this rather than building stronger firewalls — as far as fencing everyone in — to being able to provide our teachers with the technology, curriculum, and support to provide students with authentic online learning activities in order to develop this judgment, and to begin to recognize the impact of what they say online and where it goes.<sup>249</sup>

Justin Patchin highlighted the fact that teachers who do engage with their students about these issues can make a difference:

Even though almost half of students said their teacher never talked to them about being safe on the computer, and about 70 per cent of students said their teachers never talked to them about using cellphones responsibly, when these conversations happen, they seem to have a positive impact. Students who told us a teacher had talked about them to about being safe on the computer were significantly less likely to report that they had cyberbullied others in the previous 30 days.<sup>250</sup>

In order for teachers to be able to talk to their students about technology and digital citizenship, witnesses such as Shaheen Shariff and Faye Mishna stressed the need for improved training for teachers.<sup>251</sup> Bill Belsey indicated that during his studies to be a teacher, there wasn’t a “research-based course or even a class about bullying, and certainly not cyberbullying.”<sup>252</sup> For teachers and schools to be full participants in a “whole community approach,” they need to be able to work with students using the technologies for which children are already showing a preference.

#### 4. School authority

**[W]hen cyberbullying happens in a way via the Internet or via text messages, it does not happen in a vacuum. It deeply affects the students and their capacity to attain education. - Seth M. Marnin**

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<sup>248</sup> *Evidence*, 30 April 2012.

<sup>249</sup> *Evidence*, 7 May 2012.

<sup>250</sup> *Evidence*, 14 May 2012.

<sup>251</sup> *Evidence*, 30 April 2012.

<sup>252</sup> *Evidence*, 4 June 2011.

As most cases involving bullying and children are likely to have some connection to a school, either because the bullying is happening on school property or because the parties involved are both students, an important question is the appropriate scope of a school's authority is to deal with such cases. Several witnesses indicated that there is not presently a clear answer in Canada and that further national discourse is necessary. Elizabeth Meyer provided a helpful summary of this issue:

Teachers feel they have very limited influence and authority in school settings, especially related to cyber-bullying. However, they are often the ones tasked with tackling these complex and difficult issues because they have the most direct contact with the students. ...conflicting legal decisions leave schools with no clear guidance on how to respond. Teachers and administrators feel insecure and powerless to intervene. Schools need clear jurisdiction to be able to address incidents that take place off-campus but clearly impact students' feelings of safety at school and, by extension, in their community.<sup>253</sup>

Seth M. Marnin further explored the challenges and legal limitations faced by school administrators:

When determining how to respond to an incident of cyberbullying, schools must take into account the sometimes competing objectives of safeguarding students' right to free expression, the right to privacy, duty to appropriate a safe learning environment, and the duty to abide by civil rights laws that prohibit discrimination.<sup>254</sup>

Wayne MacKay indicated that “a lot of school boards and schools” take the position that they do not have authority where the incidents take place off school premises or after school hours. His recommendation was that provincial education acts be amended to clarify “that where there is a detrimental effect on the school climate that the jurisdiction extends beyond school boundaries and after school hours.”<sup>255</sup> Some witnesses felt that where there is a sufficient interference with “the educational mission of the school,” as Shaheen Shariff stated, then the school has the right to intervene and take the appropriate steps to deal with the incidents.<sup>256</sup> Similarly, where bullying is affecting a student's ability to feel safe and to learn at their school, then the school should have the

At that moment, that would be the number one thing: I would like to know what the school will do; how will the school help protect me; and what changes will they make directly, so that when I go to my next period class, I am not sitting beside the bully, because I had to go to my next period class and sit right beside the bully.

Alisha Virmani

<sup>253</sup> *Evidence*, 7 May 2012.

<sup>254</sup> *Evidence*, 4 June 2012.

<sup>255</sup> *Evidence*, 11 June 2012.

<sup>256</sup> *Evidence*, 30 April 2012.



authority to address it. Once a school has determined it has this authority, then it must determine what steps to take in handling cyberbullying incidents.

#### **D. Adults, and especially parents**

**The main message that parents get from the media is that in order to keep their teenager safe online, they must control, monitor or otherwise micromanage their teen's online behaviours. Unfortunately, these behaviours are not effective and may actually undermine healthy adolescent development, where adolescents need to develop autonomy from their parents, become responsible for their own actions and make decisions for themselves. Indeed, work that we have done has shown that the more parents try to control their children's online activities, the more likely their children are to report engaging in risk behaviours such as cyberbullying. In contrast, if parents have an open and honest relationship with their children such that their children feel comfortable disclosing the things that are happening to them online, reports of online bullying are significantly reduced. This pattern of findings is in direct contrast to the fear-based messages that parents are currently getting from popular media. - Jennifer Shapka**

Several witnesses stressed the need for parents to be more aware of how their children are using the Internet. For example, Hal Roberts stated:

[...] you would not go out and buy a car and hand the keys to your child the next morning without them going through driver training and getting a licence and all the things that go along with that. However, we have many parents who buy these devices for their children and they really do not understand the implications of the communication device they are putting into their children's hands. They do not understand the potential for risk that this sort of communication can put their children in.

Getting parents to communicate directly with their children about important life lessons and controversial social and moral issues is a challenge for any generation. And yet, in Marvin Bernstein's words, "one of the most important considerations for children who are the victims of bullying and cyberbullying is to have a responsive parent." He also stressed, however, that the "digital divide" means that parents do not understand the cyberbullying issue as well as their children.<sup>257</sup> Stu Auty, President of the Canadian Safe School Network, recognized that part of the problem is that parents "feel they are being left out." As a result, "They are not sure whether or not they should test the waters and get involved."<sup>258</sup> Wayne MacKay recommended that parents need to get support and education programs, adding that "schools would be one good place to start in terms

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<sup>257</sup> *Evidence*, 4 June 2012.

<sup>258</sup> *Evidence*, 14 May 2012.

of educating them about technology and the nature of the Internet, positive and negative.”<sup>259</sup> Another suggestion from witnesses was for parent-teacher associations to establish connections between families and schools that address these issues.

There are common misunderstandings that are created by the current digital divide between generations. For instance, although many parents feel that an appropriate form of discipline may be to take away cellphones or Internet access, children often fear speaking to them about cyberbullying precisely because they fear losing these. Being cut-off from this part of their lives can mean missing an important social connection.<sup>260</sup> As Stan Davis, explained, “To them, it means they are out of touch with the world and it feels almost like a death to lose that.”<sup>261</sup> Meyer proposed that “rather than turning things off,” parents need to spend time engaging with their children in their online activities:

...if parents want to bridge differences with their adolescents they need to show interest in their interests and hobbies and activities, rather than removing access to those outlets. That will give opportunities for teachable moments. Watch a show with your child. Have a conversation about what you have just seen, a show your child has chosen, not one that you have chosen as safe for the family. They will watch it without you later so maybe you can be there and use that as a starting point for some of those conversations.<sup>262</sup>

Parents were urged to keep the family computer in a safe location where they can be more present, such as the family room. Debra Pepler also suggested that children have a “curfew on cellphones at 10 o'clock or 11 o'clock at night” when these are brought “down to a central spot to be charged every night.”<sup>263</sup> Scott Hirschfeld also noted that materials such as pamphlets can be sent to parents that educate parents about issues and the school’s approach to dealing with them. “Sometimes schools have policies and contracts that need to be reviewed and signed by families,” he added, “so they can discuss it at home with their kids.”

Lastly, many witnesses suggested that parents should be more aware of the behaviour they present to children. As Bill Belsey said, “Young people do not remember what we tell them. They remember what we do, and our behaviours.”<sup>264</sup> Shaheen Shariff reminded us how “Adults are often negative models of bullying. If you look everywhere in society, if you look at what is happening globally in terms of violence, hockey violence or intolerance, for example, those are things that

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<sup>259</sup> *Evidence*, 11 June 2012.

<sup>260</sup> As discussed in Chapter Two.

<sup>261</sup> *Evidence*, 11 June 2012.

<sup>262</sup> *Evidence*, 7 May 2012.

<sup>263</sup> *Evidence*, 12 December 2011.

<sup>264</sup> *Evidence*, 12 December 2011.

young people witness.”<sup>265</sup> Don Glover, a director with the Nova Scotia Department of Education, aptly summarized that

it is often mentioned how frequently children and youth are exposed in the media to incidents of racism, homophobia, gender bias, and assaults on people because of their appearance or their disability. Certainly, we are concerned about a culture that celebrates or encourages that sort of behaviour in its adult population.<sup>266</sup>

## E. Corporate responsibilities and technological solutions

**Technology has outpaced legislators, politicians and parents, and now they must grapple with how to maximize the benefits of technology and how to minimize the risks. - Faye Mishna**

Technology is advancing so quickly that it is a challenge for consumers to keep up with new products, for politicians to pass responsive and forward-looking legislation, and for parents to follow how their children are using it. While new technologies have brought people together and helped share information in countless ways, they have also been used to cause personal harm to individuals as well as spread disinformation, discrimination and hate. “[Technology is] both an opportunity as well as a threat,” reminded David Birnbaum, but “we do not have the choice to remove it. The choice we do have is to find ways to embrace it and to circumscribe its negative effects when they are there.”<sup>267</sup>

As the creators of new technologies, the providers of Internet and telecommunications services and the hosts of websites, corporations have an important responsibility for ensuring that their products and services are not facilitating the type of negative behaviour that leads to cyberbullying. Bill Belsey provided an anecdote about a nationally aired commercial that used a scenario of one person teasing another about posting an unflattering photo of them online. He remarked that those who are marketing cellphones to young people “need to be much more aware and conscious of the kinds of marketing they are doing. They should certainly not be modelling cyber-bullying in their marketing.”<sup>268</sup> Alisha Virmani and Chris Hilton from the Canadian Red Cross were equally critical of social media websites who permit third parties to promote software applications that reinforce bullying behaviours, for instance by permitting children to rate how ugly their classmates are.<sup>269</sup> Paul

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<sup>265</sup> *Evidence*, 30 April 2012.

<sup>266</sup> *Evidence*, 11 June 2012.

<sup>267</sup> *Evidence*, 14 May 2012.

<sup>268</sup> *Evidence*, 12 December 2011.

<sup>269</sup> *Evidence*, 4 June 2012.

Taillefer, President of the Canadian Teachers' Federation, agreed that in order to deal with these “technology issues,” service providers

have to step up to the plate and be part of the conversation to fully understand what they are doing beyond their responsibility to their shareholders and their profit margin. They have to understand what is happening to kids and what their responsibility is as far as being a good corporate citizen.<sup>270</sup>

Witnesses provided a few other practical examples of ways in which companies can better fulfill their roles in dealing with cyberbullying. Rola AbiHanna from the Nova Scotia Department of Education advocated for corporations to take responsibility for educating customers about the appropriate and socially responsible use of the features they are selling.<sup>271</sup> William Gardner of Childnet International explained that the opportunity for providing information and advice about cyberbullying and posting inappropriate content is when cellphones and technology are purchased (i.e., the retail space). He added that: “The mobile operators in the U.K. all have a call centre or a nuisance call bureau that you can contact if you are being bullied or harassed by your mobile phones.”<sup>272</sup> Others stressed that companies should be encouraged to enforce “clearly written, easily accessible acceptable use policies” by cancelling accounts when there has been misuse, such as cyberbullying or promoting hate speech.<sup>273</sup>

Stan Davis drew attention to the issue of privacy settings, which should be, though too rarely are, set at the highest level to protect children:

One has to go in and choose the settings that say other people cannot see personal information, information cannot be shared with the world, and information cannot be accessible to everyone without my consent. I think this should be addressed. It should be a great deal more difficult for young people, who may not have the best judgment about the future and their situation, to set up an environment in which everyone can have access to all kinds of information about them, but by default.<sup>274</sup>

Other ideas he presented were to require parental consent for posting pictures on certain sites or disabling the ability to text to a group on cellphones.

Many witnesses, including the children we spoke with, discussed their frustrations in trying to get offensive and harassing content removed from certain websites, either by the owner of the site or the company that hosts it. Jenna Burke from the Congress of Aboriginal Peoples expressed a hope shared by many that ways can be found to better handle this:

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<sup>270</sup> *Evidence*, 14 May 2012.

<sup>271</sup> *Evidence*, 11 June 2012.

<sup>272</sup> *Evidence*, 11 June 2012.

<sup>273</sup> See for example the testimony of Seth M. Marnin and Bill Belsey.

<sup>274</sup> *Evidence*, 11 June 2012.

I do not know if there is a way to get something off the Internet ... but I think it would be helpful to look into that. Is there a way to block an image or video and take it down forever once it is up there? Maybe we need to be working more closely with the social media sites and website designers to be able to do that.<sup>275</sup>

Stan Davis also expressed his wish to see “technological solutions” developed “that would make it clear who has posted or who has originated something, as well as efforts to remove materials quickly and permanently.”<sup>276</sup> The potential effects of cyberbullying could be minimized if Internet sites and others in the telecommunications industry offered easier ways to have offensive and harassing material removed.

Some witnesses<sup>277</sup> recommended that governments should consider further regulating the telecommunications industry in order to better address cyberbullying. For instance, Paul Taillefer saw that governments could push for change “through regulation and legislation” in order to create a “national dialogue with corporate ICT [information and communication technologies] providers aimed at developing a common cause between private and public sectors in addressing cyberbullying.”<sup>278</sup> Don Glover argued more broadly that perhaps we “need a more careful federal monitoring of the implications of advanced technology.”<sup>279</sup>

In its written submission, Facebook indicated that they recognize that “online safety is an ongoing effort that is the shared responsibility of industry, government, internet users and the community.” It recommended, however, that any policy response for cyberbullying “should be sufficiently flexible so as to allow platforms such as Facebook to continue innovating in the area of safety; including identifying new tools and approaches that can further promote online safety.”<sup>280</sup> The Canadian Internet Registration Authority similarly supported a continued “hands-off or light-touch” approach to Internet regulation by governments, which it claimed has so far allowed the Internet to flourish, spread democracy and generate prosperity. It recommended that anti-cyberbullying efforts should rather concentrate on research and education.<sup>281</sup>

## **F. Government**

There are important ways in which Canadian governments at all levels can address cyberbullying, and in order to truly implement a whole-community approach, their efforts will benefit from more co-ordination and collaboration. In accordance with Canada’s Constitution, the federal and provincial governments each have defined areas of jurisdiction. For instance, the provinces have jurisdiction over such matters, or “heads of power,” as education, the administration

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<sup>275</sup> *Evidence*, 11 June 2012.

<sup>276</sup> *Evidence*, 11 June 2012.

<sup>277</sup> See for example the testimonies of Bill Belsey and Jeremy Dias.

<sup>278</sup> *Evidence*, 14 May 2012.

<sup>279</sup> *Evidence*, 11 June 2012.

<sup>280</sup> As per the written submissions of Facebook.

<sup>281</sup> As per the written submissions of the Canadian Internet Registration Authority.

of justice, “Property and Civil Rights,” and matters of a local nature. The federal government has jurisdiction over criminal law and matters of national concern.<sup>282</sup> The federal and provincial governments also often share responsibility to address matters that may fit under multiple heads of power. For example, where the provinces administer and deliver health care, the federal government takes some responsibility for its funding and for protecting the health and well-being of Canadians more broadly through various national policies and programs. Powers may also be further delegated by governments, such as when the federal government grants certain authorities to territorial governments or when provincial governments grant them to municipal governments or to school boards. As such, there are stakeholders among many different levels of government, and within many government departments, with roles and responsibilities to address cyberbullying.<sup>283</sup>

### 1. A co-ordinated strategy

Many witnesses called for some form of national initiative, campaign, strategy or plan that could better coordinate the efforts of government and non-government stakeholders at all levels and that would prioritize the implementation of preventative and educational initiatives as well as gathering better research.<sup>284</sup> For instance, Tina Daniels believes that “Canada needs a national anti-bullying strategy that encompasses cyberbullying that is human rights based.” She explained how variable provincial approaches to bullying are, adding to a feeling that “we seem to be reinventing the wheel back and forth across the country.” She also noted that countries that have had countrywide anti-bullying programs, such as Norway, Finland, Sweden, England and Australia, have been “more successful” at addressing bullying, though Canada is more “hampered” in doing so since education is a provincial matter.<sup>285</sup>

Professor Daniels was also one of many who stressed the importance of ensuring that children are getting the same message in a variety of their experiences in order to build a “common language” regarding cyberbullying and appropriate online behaviour.<sup>286</sup> Paul Taillefer echoed the call for a “national conversation” or “national symposium” in order to provide greater consistency across Canada. He emphasized the need for creating better connections among the many organisations

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<sup>282</sup> See for instance, Peter Hogg, *Constitutional Law of Canada* (Toronto: Carswell, 2010) at Chapter 17.

<sup>283</sup> For examples of provincial legislation addressing bullying, cyberbullying and related issues, see: Legislative Assembly of Ontario, *Education Act*, R.S.O. 1990, c. E.2, s. 306(1), and *Bill 14: Anti-Bullying Act, 2012*, 1<sup>st</sup> Sessions of the 40<sup>th</sup> Parliament, Second Reading and Referral to Committee on 3 May 2012; National Assembly of Quebec, *An Act to prevent and deal with bullying and violence in schools*, 2012, c. 19, Assented to on 15 June 2012 [Not yet published in the Gazette], and National Assembly of Québec, *An Act respecting the National Assembly*, R.S.Q., c. A-23.1, s. 55 (7); Legislative Assembly of Nova Scotia, *Promotion of Respectful and Responsible Relationships Act*, S.N.S. 2012, c. 14, and Government of Nova Scotia, *Ministerial Education Act Regulations*, N.S. Reg. 80/97, s. 47(2); Legislative Assembly of Manitoba, *The Public Schools Act*, C.C.S.M. c. P250, s. 47.1(2)(b)(i.1), 47.1(2.1), 47.1.1(6)(b), *The Public Schools Amendment Act (Reporting Bullying and Other Harm)*, S.M. 2011, c. 18, *The Public Schools Amendment Act (Cyber-Bullying and Use of Electronic Devices)*, S.M. 2008, c. 25], *The Community and Child Care Standards Act*, C.C.S.M. c. C158, s. 15.2(1)(b)(i), and Government of Manitoba, *Reporting Bullying Regulation*, made under the *Public Schools Act*, Regulation 37-2012; and, Government of British Columbia, *Appeals Regulation*, made under the *School Act*, B.C. Reg. 24/2008, s. 2(2)(g).

<sup>284</sup> See for example the testimonies of Paul Taillefer, Jennifer Shapka, Shelley Hymel, Tina Daniels, Elizabeth Meyer, Jeremy Dias, Jenna Burke, and Wayne MacKay.

<sup>285</sup> *Evidence*, 7 May 2012.

<sup>286</sup> *Evidence*, 7 May 2012.

working towards finding solutions. He stressed that government should be involved in bringing “all the stakeholders together” to deal with “the legislative issues.”<sup>287</sup>

Elizabeth Meyer and others focussed on the ways in which the federal government can take a leadership role and “find ways to explicitly partner with the provinces to provide the support.”<sup>288</sup> Wayne MacKay also endorsed “some sort of national strategy” since although the provinces have implemented “a lot of good ideas,” their efforts have been very “piecemeal” and they lack sufficient resources on their own.<sup>289</sup> A coordinated strategy could help to pool resources for promoting better education about bullying and sharing best practices. Daniel Sansfaçon from the National Crime Prevention Centre also saw the benefit “a table of the stakeholders.”<sup>290</sup>

## 2. A National Children’s Commissioner

**There certainly would not be a shortage of work for a national children's commissioner. My concern would be there would be too many issues. You talk about bullying, cyberbullying, sexting and child exploitation; there is a laundry list of things. - Justin Patchin**

Throughout the course of our study on cyberbullying, the Committee heard overwhelming support for a “National Children’s Commissioner” to act as a monitoring and facilitating officer for children’s rights at the federal level.<sup>291</sup> Many witnesses thought that an independent office could provide many benefits, not just on children’s issues in general, but also specifically for cyberbullying. Marvin Bernstein expressed his hope that it could help encourage greater consistency among the different legislative approaches to cyberbullying across the country and among the types of programs and practices being implemented:

The difficulty is that these pieces of legislation do not always contain the same elements or the same approaches. If we had a national children's commissioner who could look at what is happening in terms of best practices, conduct evidence-based research from coast to coast and work with the provincial and territorial advocates, we would have less of a fragmented approach. We would have a more consistent national strategy and perhaps an effective campaign across the country, looking at more

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<sup>287</sup> *Evidence*, 14 May 2012.

<sup>288</sup> *Evidence*, 7 May 2012.

<sup>289</sup> *Evidence*, 11 June 2012.

<sup>290</sup> *Evidence*, 7 May 2012. Wendy Craig also saw the response to cyberbullying as requiring “a federal initiative because it is a public health initiative in terms of health promotion.”

<sup>291</sup> See for example the testimonies of Marvin Bernstein, Chris Hilton, Christian Whalen, Jeremy Dias, Jenna Burke, Don Glover, Wayne MacKay and Justin Patchin.

standardized approaches to combat bullying and cyberbullying. We need a coherent vision.<sup>292</sup>

Rola AbiHanna thought that a federal-level commissioner could help to establish “baseline data across Canada so that we are using a consistent definition and have a good sense of how many incidents are occurring related to bullying and cyberbullying and what are the root causes of those incidents.” Also, such an office could “look at some of the initiatives that are being put in place in other jurisdictions and to measure their effectiveness” and, where they are getting good results, spearhead “a coordinated effort to have that put in place.”<sup>293</sup>

Wayne MacKay advocated for a commissioner who could play a coordinating role and serve as a “national presence.” He also echoed the Committee’s previous observations that a federal Children’s Commissioner could work “work more effectively with Aboriginal peoples in terms of understanding some of the special impacts upon our Aboriginal children,” in particular since many issues affecting them fall under federal jurisdiction.<sup>294</sup> Christian Whalen thought a Children’s Commissioner was long overdue and felt that such an officer could advocate for children in parts of the country where an office to champion their rights does not exist: “Youth in care and youth in custody need an advocate, but in many provinces of Canada there is no advocate for children generally.”<sup>295</sup>

### 3. Education, research and awareness

**I think we need to start getting this out to younger kids and really educating that the Internet is not just a place where you can go and do whatever, say whatever, act however, post whatever you want. It is so deeply engrained that we need to be educating kids about responsible use of the Internet and what is ok to say and why. - A youth (*in camera* witness)**

A strong message we received from multiple witnesses is that there is a strong need for greater public awareness about cyberbullying, both in terms of what it is and what can be done to address it.<sup>296</sup> Wayne MacKay explained how a “response out of Nova Scotia” that followed the Nova Scotia Taskforce on Bullying and Cyberbullying<sup>297</sup> report, “has been to launch a significant communications program designed to convince people that bullying is not cool and is not the way to go.”<sup>298</sup> Like several other witnesses, he saw a significant role for the federal government in

<sup>292</sup> Evidence, 4 June 2012.

<sup>293</sup> Evidence, 11 June 2012.

<sup>294</sup> Evidence, 11 June 2012. Also noted by Marvin Bernstein, Evidence, 4 June 2012.

<sup>295</sup> Evidence, 4 June 2012.

<sup>296</sup> See for example the testimonies of Alisha Virmani, Paul Taillefer, Elizabeth Meyer, Jennifer Shapka, Wayne MacKay, Bernstein and Dias.

<sup>297</sup> Nova Scotia Task Force on Bullying and Cyberbullying, <http://cyberbullying.novascotia.ca>.

<sup>298</sup> Evidence, 14 May 2012.



promoting a national awareness campaign. Paul Taillefer recommended on behalf of Canadian teachers that such a campaign should be supported by federal departments, such as “Justice, Health, Public Safety, Industry Canada, among others.”<sup>299</sup> Jeremy Dias added that public funding could be specifically given to “youth organizations to run awareness programming and educational programming.”<sup>300</sup>

Improving public awareness and education will also require a better understanding of the research that has been done and that needs to be done. As Shelley Hymel recommended, “We need a national strategy supported by the government that focuses on school and on research evaluating the efficacy of our work.” She was also optimistic that “[t]he success of such approaches in other countries around the world, often led by ministries of education, lends hope to the success of such efforts.”<sup>301</sup> Don Glover saw that such broader efforts can help prevent schools and other organisations from “investing in or buying programs that are not research-based or evidence-based,” and therefore recommended a type of “clearing house model.”<sup>302</sup> Similarly, Elizabeth Meyer recommended funding for “action-based research projects that prioritize interagency collaboration, education and intervention in order to establish local and provincial networks to create more holistic and effective responses to cyber-bullying.”<sup>303</sup>

Any public awareness campaign also has to have sufficient support in the educational system. As Shaheen Shariff explained, “there need to be more resources placed to give schools more information or mobilize knowledge a little more with teachers.” She supported provincial efforts to put in place anti-bullying legislation, but was concerned that school boards may not “have the background” to implement all the anti-bullying initiatives.<sup>304</sup> Elizabeth Meyer’s suggestion was for government to “partner with the Canadian Teachers Federation and provincial ministries of education to establish and fund initiatives to support teacher professional development and integration of human rights education and digital literacy activities in K through 12 classrooms.”<sup>305</sup>

#### 4. Emphasizing restorative justice approaches

**We need to stop thinking about bullying as a discipline problem and to start thinking of it as a teaching moment.... The vast majority of schools today still rely on punitive methods of discipline. A more effective approach is to teach children to be responsible for their own behaviour through restorative practices and restitution practices that build empathy and help to make children who bully accountable for their behaviour. - Shelley Hymel**

<sup>299</sup> *Evidence*, 14 May 2012.

<sup>300</sup> *Evidence*, 11 June 2012.

<sup>301</sup> *Evidence*, 7 May 2012.

<sup>302</sup> *Evidence*, 11 June 2012.

<sup>303</sup> *Evidence*, 7 May 2012.

<sup>304</sup> *Evidence*, 30 April 2012.

<sup>305</sup> *Evidence*, 7 May 2012.

Along with education and prevention, justice forms a third key element in responding to cyberbullying. Witnesses offered many opinions concerning school discipline, criminal law policy, conflict resolution and intervention strategies. Cyberbullying can involve acts that are in contravention of several offences in the *Criminal Code of Canada* (the “Code”).<sup>306</sup> When these acts are committed by children between 12 and 18, the *Youth Criminal Justice Act*<sup>307</sup> governs the application of criminal and correctional law. As discussed in Chapter Two, we heard much testimony concerning how children are still undergoing important cognitive development and may not fully understand the ramifications of bullying or the purpose of criminal sanctions. Though there were differences of opinion regarding whether there is a need to update the *Code* for dealing with cyberbullying, a clear message endorsed by most witnesses was that when working with children, the restorative justice approach is most effective. In particular, this approach can be helpful in schools as an alternative to “zero tolerance” policies that emphasize disciplinary measures such as suspensions or expulsions.

As the name implies, restorative justice focuses on restoration. It looks beyond seeing a crime as simply a law that has been broken and any resulting punishment to recognizing that a crime is a violation of a relationship among two or more persons who have needs resulting from the incident that must be addressed. It seeks to involve all those affected by a crime and to allow them to have a role in the justice process, whether through reconciliation or restoration.<sup>308</sup> It may also involve such programs as victim-offender mediation or victim impact panels. Wayne MacKay summarized its goals of reintegration and reducing recidivism:

The main idea is to have the alleged bully, the offender, be required to account not only to the victim but also to his or her community in a way that makes him or her understand the magnitude of what they have done, and ultimately to reintegrate that person back into the community.<sup>309</sup>

Matthew Johnson explained “why restorative justice may be particularly appropriate for cyberbullying”:

... cyberbullying relationships often are very complicated, and it is not unusual for both parties in a cyberbullying relationship to feel they are the victim, or to deny that either one is a perpetrator or a victim in a relationship that seems from the outside clearly to be cyberbullying.<sup>310</sup>

Furthermore, it is compatible with the whole community approach. As Jennifer Shapka noted, “If we use the restorative justice approach and we include all the stakeholders, parents, school

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<sup>306</sup> Sections of the Criminal Code of Canada that could be relevant to a case of cyberbullying include: 264 (criminal harassment); 264.1 (uttering threats); 265 (assault); 271 (sexual assault); section 298 (defamatory libel); 346 (extortion); 403 (identity fraud, personation with intent); and 423 (intimidation).

<sup>307</sup> S.C. 2002, c. 1.

<sup>308</sup> See for example the testimony of Justin Patchin.

<sup>309</sup> *Evidence*, 11 June 2012.

<sup>310</sup> *Evidence*, 30 April 2012.

policy, the victims, the bullies and even the larger community of students, we can be effective.”<sup>311</sup> Restorative justice can therefore serve an educational purpose when its principles are integrated into a school’s anti-bullying initiatives.

Another reason that restorative justice is also an important alternative for cyberbullying is because punitive approaches are not generally a sufficient deterrent for children.<sup>312</sup> Tina Daniels described her own awareness of how punitive approaches in Ontario resulted in an increase in suspensions, but not a decrease in bullying.<sup>313</sup> Justin Patchin summed up “decades of deterrence research in criminology” that indicates that people in general, and teens especially, are not likely to be deterred or are not likely to refrain from criminal behaviour just because there is a law: “You pass a law criminalizing cyberbullying and the kids are not going to stop bullying and cyberbullying because of it. We know that they are more likely to stop if their friends, their family, their parents or their brothers or sisters do not appreciate their behaviour.”<sup>314</sup> Wendy Craig presented similar findings:

I would stand by our theme of the day, which is that children and youth are developing young beings and to criminalize it does not provide the educative consequences that they may need. We talk about bullying as a relationship problem. They require relationship solutions. That helps us understand the best way to intervene or the best kinds of consequences. The best consequences to deal with a relationship problem is to come up with ways to provide children and youth with the learning opportunities to develop the skills, capacities and competencies to engage in effective and healthy relationships. At the same time, part of it is making repairs about the errors they have done and repairing that relationship.<sup>315</sup>

Another point raised by Rola AbiHanna is that many of the children who are expelled or suspended “are not in environments where, after being suspended, someone is sitting down” with them to ensure that “they are growing from those experiences.” “You have many children and youth who end up on the street,” she added, and who become “involved in criminal activity and with addiction issues.”<sup>316</sup> Elizabeth Meyer was also concerned that punitive measures and zero-tolerance policies tend to target youth of colour.<sup>317</sup>

Wayne MacKay suggested that in addition to schools engaging in restorative justice approaches, there may be role for human rights commissions to play as well, whether at the

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<sup>311</sup> *Evidence*, 14 May 2012.

<sup>312</sup> See for example the testimonies of Jennifer Shapka, Shaheen Shariff, Shelley Hymel, Justin Patchin, Wayne MacKay, Wendy Craig, Marvin Bernstein, Elizabeth Meyer, Shelley Hymel, and David Birnbaum.

<sup>313</sup> *Evidence*, 7 May 2012.

<sup>314</sup> *Evidence*, 14 May 2012.

<sup>315</sup> *Evidence*, 12 December 2011.

<sup>316</sup> *Evidence*, 11 June 2012.

<sup>317</sup> *Evidence*, 7 May 2012.

provincial or federal levels and perhaps in conjunction with education authorities.<sup>318</sup> Human rights commissions in Canada already handle harassment and discrimination cases in workplaces, accommodation, and the delivery of services. Mr. MacKay noted that Australia was already doing “effective” work in this area. The Canadian Centre for Suicide Prevention made a similar recommendation to have cyberbullying cases handled by the Canadian Human Rights Commission, though they added this should be further to the adoption of a new federal “Bullying and Cyber Bullying Awareness and Prevention Act.”<sup>319</sup>

Lauren Seager-Smith provided an important word of caution, however, that those engaged in restorative justice initiatives should be properly trained:

One of the particular issues with using restorative justice in relation to bullying is we would uphold that bullying often involves an imbalance of power, and to bring the parties into a room together can be quite disturbing to the young person on the receiving end of the bullying. That can be a very difficult thing to manage, and we would expect teachers to be highly trained if they are going to use restorative approaches in those situations to ensure all parties are protected.<sup>320</sup>

While witnesses emphasized the importance of restorative justice approaches over punitive, criminal sanctions, many see a role for the federal government to examine criminal law policy in these matters. As Wayne MacKay stated:

There are extreme cases that need to be dealt with using the criminal sanction. Either by interpreting existing provisions — and there are a number of them to apply to cyberbullying — or possibly adding new provisions on a crime of cyberbullying or some such phraseology. ... However, again I want to emphasize that the young people are partly right: If that were the only thing that happened, it would not be enough.<sup>321</sup>

Where provincial authorities may deal with cyberbullying in schools or through local law enforcement, the federal government has a role to play in developing criminal law policy and better policing practices. As Elizabeth Meyer explained,

one of the other huge pieces of the federal government [is] being able to monitor and help investigate these cases, because that is where local law enforcement falls short. They have a hard time being able to track ISPs and get sites shut down. If we have someone at the federal level in each province helping to deal with these situations, then we can hopefully help

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<sup>318</sup> Evidence, 11 June 2012. See also Nova Scotia Task Force on Bullying and Cyberbullying, *Respectful and Responsible Relationships: There's No App for That*, 29 February 2012, <http://cyberbullying.novascotia.ca/thereport.php>. Recommendation 23, on page 47.

<sup>319</sup> As per the written submissions of the Canadian Centre for suicide Prevention.

<sup>320</sup> Evidence, 11 June 2012.

<sup>321</sup> Evidence, 11 June 2012.

schools take proactive steps to shut down these kinds of sites or blocking or removing these kinds of offensive content.<sup>322</sup>

With regard to whether the federal government should amend the *Criminal Code* to create a specific crime for cyberbullying, some witnesses shared RCMP Inspector Michael Lesage's view that "[c]riminal activities conducted via the Internet such as bullying are traditional crimes committed through the use of an electronic device and are therefore covered by applicable sections of the *Criminal Code of Canada*."<sup>323</sup> Other witnesses, such as Stu Auty, Paul Taillefer and Jeremy Dias supported amendments to the *Code*, whether because they felt that the harassment sections do not effectively include electronic communications or because the resultant ambiguity does not send a clear enough message that cyberbullying is in fact a crime.<sup>324</sup>

Some of the witnesses' comments indicate that youth feel the seriousness of bullying is often disregarded and that anti-cyberbullying policies should not unduly discriminate against children because of their age. Helen Kennedy stated that "sexual harassment, sexual assault, verbal abuse and cyberbullying are not being addressed in the same way it would be if an adult were being targeted in the same fashion."<sup>325</sup> Don Glover presented an interesting view from students he had consulted who informed him that

they did not want to call it "bullying." They wanted to name what it was. If it was homophobic remarks, they wanted to call it that. They want "discrimination." They want "harassment." They want very strong terminology that supports the impact that they feel this is having on them. They feel the term "bullying" is too light.<sup>326</sup>

## 5. Court proceedings and privacy

**It is a real concern because young people are afraid to report victimization and afraid to become plaintiffs in actions because they are worried about their privacy.  
- Shaheen Shariff**

One other important policy consideration that witnesses raised and that should be considered by provincial and federal governments is how children's privacy can be affected when they chose to take legal action against a bully, whether through pressing criminal charges or commencing civil litigation. As Shaheen Shariff explained:

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<sup>322</sup> *Evidence*, 7 May 2012.

<sup>323</sup> *Evidence*, 7 May 2012.

<sup>324</sup> Stu Auty, *Evidence*, 14 May 2012, Jeremy Dias and Paul Taillefer, *Evidence*, 11 June 2012.

<sup>325</sup> *Evidence*, 4 June 2012.

<sup>326</sup> *Evidence*, 11 June 2012.

There is currently a debate in Canada on the dilemma between protecting plaintiff privacy and the public's right to know in the open court system. The Supreme Court of Canada will be setting the standard soon when it hears the case of *AB v. Bragg Communications*, where a Canadian teen has applied to remain anonymous as a plaintiff in a case of cyberbullying.<sup>327</sup>

Wendy Craig also expressed concern that “disclosing the identity of the child [who was bullied] potentially puts the child at risk for broader victimization” and emphasized that the *Convention on the Rights of the Child* “says that we have to keep children safe and protect them.”<sup>328</sup> The Committee welcomes the Supreme Court’s decision of 27 September 2012 in which it recognized the inherent vulnerability of children with regard to the “psychological toxicity” and harms caused by cyberbullying. It determined that the harm of revictimization that could be caused by breaching the applicant’s privacy outweighed the interest in maintaining open court proceedings and a free press. Accordingly, the Court held that she could remain anonymous in pursuing her legal action.<sup>329</sup>

In our report *The Sexual Exploitation of Children in Canada: the Need for National Action*,<sup>330</sup> this Committee noted how intimidating court proceedings can be for children, in particular when they provide testimony about abuse or other elements of their private life. Representatives from the Department of Justice had spoken about efforts being undertaken to make it easier for children to testify in court, including some that are meant to protect a child’s privacy, such as by allowing a judge to exclude members of the courtroom or impose publication bans on the identity of victims and witnesses, or by allowing a victim or witness to testify behind a screen or by videotape. We recommended that “that the Government of Canada improve the criminal justice system so that it better recognizes and accommodates the needs of child victims of sexual exploitation before, during, and after court proceedings.”<sup>331</sup> We continue to believe that adequate victim services for children are needed to help them throughout their experiences with the criminal prosecution process or any other court proceedings.

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<sup>327</sup> *Evidence*, 30 April 2012.

<sup>328</sup> *Evidence*, 12 December 2011.

<sup>329</sup> *A.B. v. Bragg Communications Inc.*, 2012 SCC 46, available at: <http://scc.lexum.org/en/2012/2012scc46/2012scc46.html>.

<sup>330</sup> *The Sexual Exploitation of Children in Canada: The Need for National Action*, November 2011, <http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf>.

<sup>331</sup> *Ibid.* at Chapter 7.

## CHAPTER SIX: DEVELOPING BEST PRACTICES AND BETTER PROGRAMS

**The research tells us that educators pick bullying prevention practices by asking a colleague down the hall. Lots of those choices are made just because they know the program. They are not programs that have been proven to work. We want to make sure that we put into schools and communities programs that work. We need a repository of programs that are evidence-based and we need to market that repository to all adults who work with children and youth. We need to devise a tool to help them pick the right program for a particular age group in a school in a rural community, for example. - Wendy Craig**

Witnesses presented many ideas regarding what can make anti-cyberbullying programs effective, and what can make them unsuccessful. Although our study is focused on cyberbullying, some witnesses spoke about anti-bullying programs more generally and did not always distinguish how or whether these may treat various forms of bullying differently. We have attempted to report on those programs most pertinent to cyberbullying, even though much of the discussion pertains to anti-bullying programs. A more complete list of programs discussed during the study is included in Appendix E.

We learned that there are in fact so many anti-bullying programs currently being offered to schools, families and parents that a considerable challenge for these consumers is determining which are the most appropriate for their needs. Some witnesses cautioned that some programs have in fact increased bullying instances or made them worse, despite the best of intentions of their organizers.<sup>332</sup> “For example,” explained Debra Pepler, “be careful not to model a lot of bullying because you give people ideas of how to do it even better. In one case in which we were involved, we showed how popular you could be if you bullied, so, not surprisingly, the rates of bullying for girls went up rather than down.”<sup>333</sup> Other useful principles were identified that can help establish better practices and develop valuable programs.

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<sup>332</sup> Wendy Craig indicated that according to her research: “About one in seven bullying-prevention programs make the problem worse.” *Evidence*, 7 May 2012.

<sup>333</sup> *Evidence*, 12 December 2011.

## A. Evidence-based and human rights-based analyses

**We need to come up with a list of promising options and provide resources to schools to implement those options, but then also study them so that we can learn. We can take those next five or ten years and start to formulate the best practices in this regard instead of schools doing this piecemeal because I hear stories from schools all over the country and abroad with some really great programs and promising things. However, as a social scientist, I cannot wholeheartedly, fully recommend them until we see data that there is some improvement both in behaviour and perceptions and the feeling of safety at school. - Justin Patchin**

In order to better develop best anti-cyberbullying practices in Canada, a most important element is having evidence-based assessments of programs. Furthermore, consumers need to be made aware of which programs have been successfully evaluated. Wayne MacKay indicated that “the number one criteria” that was set out as a recommendation in the Nova Scotia Task Force’s report is “having evidence-based results, or at least promising results.” William Gardener explained how difficult measuring success can be with anti-bullying programs, requiring at times a “finger in the air approach.” Though some academic studies have reviewed the effectiveness of particular resources, he added that they “can be expensive” and “take a long time to come to fruition.”<sup>334</sup>

Given the concern raised by witnesses over the need for more research on cyberbullying in Canada, establishing means to determine what elements of anti-bullying and victim support programs are working is crucial to moving forward. Evaluating programs and compiling evidence as to their effectiveness will naturally take time. In the meantime, as Wendy Craig noted, schools need tools to help them pick the right program and to know what best practices should be put into place. She added that the Public Health Agency of Canada in partnership with PREVnet (Promoting Relationships and Ending Violence Network)<sup>335</sup> has been able to fill this “gap” with the Canadian Best Practices Portal.<sup>336</sup> Debra Pepler also described the “systematic processes” undertaken in order to determine which programs are the most promising and should be posted on the portal.<sup>337</sup>

In addition to evidence-based assessments, another ingredient of effective anti-cyberbullying programs is a human rights-based approach. Performing a rights-based analysis can better ensure that children’s rights are being respected. Marvin Bernstein from UNICEF Canada discussed the importance of child rights impact assessments for examining “in a structured way as to what would be the best outcomes, how to promote the best interests of children and how to achieve the best

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<sup>334</sup> *Evidence*, 11 June 2012.

<sup>335</sup> PREVnet is a national network of Canadian researchers, non-governmental organizations (NGOs) and governments committed to stop bullying.

<sup>336</sup> *Evidence*, 12 December 2011. For more information, see: Public Health Agency of Canada, Best Practices Portal, <http://cbpp-pcpe.phac-aspc.gc.ca/>.

<sup>337</sup> *Evidence*, 12 December 2011.



outcomes.” This is relevant not only for anti-cyberbullying programs, but also for legislation and policy. He went on to explain:

One of the main objectives of a child rights impact assessment is to ensure that while seeking to protect certain rights of children and youth, other rights are not inadvertently undermined. For example, in seeking to support the implementation of Article 19, the right to protection, it is important not to undermine rights related to education in Articles 28 and 29, as can happen when bullies are suspended or expelled from school rather than receiving supportive interventions such as counselling.<sup>338</sup>

Another practical implementation tool is the creation of specific indicators or measures that can be used to track progress in advancing children’s rights. Christian Whalen described efforts being undertaken in New Brunswick to adopt these. He presented a jointly published report from the New Brunswick Office of the Child and Youth Advocate and the New Brunswick Health Council on the state of children’s rights in the province titled *Play Matters!*.<sup>339</sup> Although this report only touched very briefly on bullying, it is relevant to this study because of its goal to “create measurable indicators of child and youth well-being and rights fulfillment that can then be used as performance indicators when evaluating services to children and youth.” The indicators presented in the report form part of an overall framework to assist in assessing New Brunswick’s implementation of the *Convention on the Rights of the Child*. Mr. Whalen did note however that his office faced challenges in analyzing the data in order to determine compliance, since such data is often non-existent or may only be based on self-reporting. He added that this is

[a]n example of the challenge in doing due diligence in whether or not we are respecting children's rights. You want to try to measure it, but then you get embroiled with identifying the right indicator, measuring it and figuring out how we have reliable, comparable data.<sup>340</sup>

Mr. Whalen also expressed his hope that other child and youth advocates and health agencies, including the Public Health Agency of Canada, might “play a part in supporting” their efforts at establishing measurement processes.<sup>341</sup> This last point was echoed in comments by a number of witnesses who saw a role for the federal government in helping to ensure that reliable data and research concerning cyberbullying and other children’s issues is compiled and made available. This information can then be used to help create better measurable indicators of how Canada is meeting its obligations with respect to Article 19, among other provisions in the Convention.

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<sup>338</sup> Evidence, 4 June 2012.

<sup>339</sup> Office of the Child and Youth Advocate, *PLAY MATTERS! 2011 State of the Child Report: A Children’s Rights and Well-being Framework for New Brunswick*, November 2011, <http://www.gnb.ca/0073/Child-YouthAdvocate/playmatters-jouercacompte/Report/2011StateChildReport.pdf>.

<sup>340</sup> Evidence, 4 June 2012.

<sup>341</sup> *Ibid.*

## B. No quick fix

**We were told repeatedly by the students that their school programs, usually one-time assemblies, not only failed to resonate with them but made them take the issue less seriously. - Cathy Wing**

Witnesses were emphatic that there is no “quick fix” for cyberbullying. The whole community/whole school approach requires a long-term commitment to changing school culture. Matthew Johnson warned against “one-time interventions and interventions that focus heavily on scare tactics or on very dramatic possible consequences of bullying are ineffective” and “not only failed to resonate with students but it made them take bullying less seriously.” Rather, the more effective solution is: “Programs that are planned to go on through the entire school year and programs that involve the entire school and the entire community.”<sup>342</sup> For a community to “shift” in this way, according to Helen Kennedy, schools need to “to be involved in a multi-year effort” in providing “consistent messages between home and school.” She continued to explain that this

means starting at the earliest grades, with curriculum and training for teachers and parents, and establishing a mission that has to do with social and emotional learning. Very much the way that you would plan for the academic curriculum, you also have to plan for the safety issues and emotional issues that you will teach.<sup>343</sup>

Cathy Wing further explained that there is no “one size fits all” anti-bullying program. What works in one region or country may not work in another.<sup>344</sup> As Shelley Hymel and Tina Daniels stressed: “context is everything.”<sup>345</sup> Therefore, programs cannot be imported into one school district without some form of assessment that it can be tailored to its needs. Wendy Craig explained that though anti-bullying programs have been highly successful in Norway, when these were brought to Canada, they were less effective.<sup>346</sup> She and Cathy Wing thought this was because Canada is a more heterogeneous and diverse culture.

Where Canada’s diversity can present challenges, it is also our strength. As discussed in Chapter 2, homophobia, racism and misogyny are common causes of bullying. The whole community approach to cyberbullying is about embracing our diversity, engaging our various communities and learning to appreciate individual differences. To best understand contextual and cultural factors, consultations with stakeholders in the community are essential. As Elizabeth Meyer summarized: “we need to empower the local educators, families and community leaders to evaluate

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<sup>342</sup> *Evidence*, 30 April 2012.

<sup>343</sup> *Evidence*, 4 June 2012.

<sup>344</sup> *Evidence*, 30 April 2012.

<sup>345</sup> *Evidence*, 7 May 2012.

<sup>346</sup> *Evidence*, 12 December 2011.

their own needs and establish language and priorities based on the specifics of their community, but within a human rights framework.”<sup>347</sup> All of these efforts require a long-term commitment and continuous dedication, but many witnesses were optimistic that such efforts can produce effective results.

### C. Empowering children

**The RCMP believes that youth have valuable solutions to offer and should play an active role in their communities. For this reason, deal.org also profiles young leaders who are addressing the issue of cyberbullying in their communities and schools in the hopes of inspiring other youth to do the same. - Inspector Michael Lesage<sup>348</sup>**

Another common theme presented by witnesses was that programs should not simply be designed with the best interests of children in mind, but should “empower” children. Teaching children about their rights can help in this. A development the Committee has already been monitoring is the idea of rights-respecting schools, which is now being promoted in Canada by UNICEF.<sup>349</sup> The Rights Respecting Schools Initiative uses the United Nations *Convention on the Rights of the Child* “as a basis for enhancing an inclusive, participatory and respectful school culture for children and adults.” It seeks to address a school’s whole learning environment by “using a consistent, rights-based approach” and by teaching the importance of rights and the responsibilities that accompany them. Marvin Bernstein informed the Committee that “there are 12 rights-respecting schools in Canada that emphasize the importance of changing the culture, having a healthy attitude, and bringing information around children's rights.” He added that: “This is an initiative that is taking hold incrementally within Canada, and is a direction that we would commend to this committee.”<sup>350</sup> As quoted in Chapter Two, UNICEF submitted that research in the United Kingdom suggests that rights-respecting schools experience such benefits as a “decrease in bullying,” “improved rates of attendance,” “improved student self-esteem,” greater job satisfaction for teachers and “a greater level of communication about respectful behaviours.” Christian Whalen also noted that New Brunswick will have its first rights-respecting school in Fredericton and is “motivated and mobilized” to have more.<sup>351</sup>

The basic principles of a rights-respecting schools and a rights-based approach can be adopted in any educational institution. Anti-cyberbullying programs should reflect the rights contained in the Convention and provide access to information and education necessary for children to be prepared to

<sup>347</sup> Evidence, 7 May 2012.

<sup>348</sup> For more about deal.org, please see Appendix E.

<sup>349</sup> UNICEF Canada – Rights Respecting Schools, [http://e-activist.com/ea-campaign/action.retrievestaticpage.do?ea\\_static\\_page\\_id=1347](http://e-activist.com/ea-campaign/action.retrievestaticpage.do?ea_static_page_id=1347).

<sup>350</sup> Evidence, 4 June 2012.

<sup>351</sup> Evidence, 4 June 2012.

deal with these challenging issues. Such information should be presented in a manner suitable for their stage of development. For instance, a program described by Cathy Wing called Growing with the Net “takes a developmental approach to children's use of the media.” She added, “We start at age 9 and go to age 17 because there is a huge difference between those ages and the developmental stage that children are at, how they respond to media and the types of interventions we should be doing with them at those specific ages.”<sup>352</sup>

Another important way to empower children is to help them develop interpersonal skills. Stan Davis and others stressed the importance of “helping young people to be resilient” and to learn how to deal with the “mean” behaviour of others.<sup>353</sup> Several witnesses also talked about ensuring that children have strategies in place to deal with cyberbullying.<sup>354</sup> These can involve teaching children and their parents about how to better understand basic skills, such as controlling privacy settings on social media sites or reporting cyberbullying. Examples presented were Jer’s Vision’s Introduction to Facebook Workshop and Videotron’s Vigilance on the Net, which representative Marie-Eve Villeneuve described as helping children “hone their instincts as far as safety is concerned.”<sup>355</sup> Marla Israel noted that the Government of Canada also has a Healthy Canadians website that contains information on bullying and bullying prevention strategies and intervention mechanisms.<sup>356</sup>

Christian Whalen explained that the “best kind of anti-bullying policy you can have is one that develops “sound, respectful, tolerant behaviours and reward[s] them.”<sup>357</sup> Marla Israel noted research that shows that “the ability of developing a sense of leadership and trust is critical.” Accordingly, she spoke in support of the WITS program, an anti-bullying program whose acronym stands for “Walk away, Ignore, Talk it out and Seek help.” She explained it “aims to reduce peer victimization and chronic bullying by enhancing child and adult confidence in dealing with peer conflicts and victimization.”<sup>358</sup> Inspector Michael Lesage further explained that this program has been piloted in 11 schools so far by the RCMP in collaboration with PREVNet and researchers at the University of Victoria.<sup>359</sup>

Several witnesses also strongly recommended programs that promote empathy. Matthew Johnson explained the reasons for this as follows:

One reason this may be particularly effective in fighting cyberbullying is that one of the issues with cyberbullying is we do not naturally feel empathy for people who we do not see or that do not have a physical presence before us. We miss a lot of the physical cues, such as body language cues and the tone of voice, which trigger our empathy and tell us

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<sup>352</sup> *Evidence*, 30 April 2012.

<sup>353</sup> *Evidence*, 11 June 2012.

<sup>354</sup> See for example the testimonies of Marvin Bernstein and Cathy Wing.

<sup>355</sup> *Evidence*, 4 June 2012.

<sup>356</sup> Government of Canada, Healthy Canadians, <http://www.healthycanadians.gc.ca/init/kids-enfants/intimidation/index-eng.php>

<sup>357</sup> *Evidence*, 4 June 2012.

<sup>358</sup> *Evidence*, 7 May 2012.

<sup>359</sup> *Evidence*, 7 May 2012.

when we have stepped over the line and tell us it is time to back off to make an apology or to defuse the situation. That certainly is one way that we know situations can spiral into cyberbullying.<sup>360</sup>

Cathy Wing described one such program, the Roots of Empathy program developed in Canada by Mary Gordon, where a mother will take her baby into a classroom and the children will learn to “nurture the baby, watch it grow and take a large part in the baby's life over the course of the year.” She added that, “It has been proven to develop empathy and sensitivity among students in all different types of situations.”<sup>361</sup>

In order to fully engage the whole community, programs must also be able to connect in particular with children who are at risk in relation to cyberbullying, whether as victims or perpetrators. Vulnerable children may need special assistance above and beyond preventative or educational programs. All children need to have confidence that there are support systems available to them.

Witnesses discussed a few programs that have been designed to assist children in need. One important example is Kids Help Phone, who appeared before the Committee as “Canada's only national phone calling service for young people.” Sharon Wood explained how every day they “hear from kids who are experiencing the cruelty of bullying, the loneliness of depression, the paralyzing fear of anxiety or the feeling of pressure to succeed, compete or conform.” This work is crucial “because young people are on waiting lists for help, are in-between appointments or are not ready or able to reach for help in other ways or because no help is available in their specific community.” She also noted that: “Given what we have learned from young people across Canada about the nature and prevalence of cyberbullying and their impacts, we have been placing a strong focus on developing our organizational expertise in this area.”<sup>362</sup> As another example, William Gardner spoke positively about a British online peer mentoring service called CyberMentors:

Children can go online and talk to other children who have been trained as peer mentors... It uses the anonymity of the Internet in a positive way. We know that children very often do not talk about bullying, but it uses technology that enables children to come forward and share their experiences.<sup>363</sup>

Another initiative that seeks to help children deal with bullying while maintaining their anonymity is StopABully. Trevor Knowlton and Hal Roberts explained how their website facilitates reporting of incidents by having messages sent to the appropriate school administrators and then tracking the report's progress, all without having to identify the person reporting the incidents.<sup>364</sup>

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<sup>360</sup> *Evidence*, 30 April 2012.

<sup>361</sup> *Evidence*, 30 April 2012.

<sup>362</sup> *Evidence*, 14 May 2012.

<sup>363</sup> *Evidence*, 11 June 2012.

<sup>364</sup> *Evidence*, 30 April 2012.

Elizabeth Meyer recommended that such a central reporting mechanism be supported by government.<sup>365</sup>

As a final note, one key principle that this Committee was very mindful of in talking to children about cyberbullying is taking every possible step not to revictimize children. For children who have been bullied, having to retell their story or to engage in anti-bullying programs may trigger stressful memories and cause children to re-experience their trauma. When we met with children *in camera*, we took the step of engaging child psychiatrist Arlette Lefebvre<sup>366</sup> to meet with the children and to coach them through the process. Our goal, as should be the goal of any anti-bullying program, was to provide sufficient support so as to ensure that children were not adversely impacted by telling their stories.

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<sup>365</sup> *Evidence*, 7 May 2012.

<sup>366</sup> Dr. Lefebvre works at The Hospital for Sick Children in Toronto and at the University of Toronto.

## CHAPTER SEVEN: THE COMMITTEE'S RECOMMENDATIONS AND OBSERVATIONS

This chapter summarizes the Committee's key findings and observations and presents recommendations concerning our study of cyberbullying and Canada's implementation of the United Nations *Convention on the Rights of the Child*.

### A. The need for a coordinated strategy

An effective national response to cyberbullying will require a whole community approach: children, parents, schools, volunteers, social service providers, corporations and businesses, legislators and government officials, policy advisors, police and other participants in society all have important roles to play.

The Committee is concerned that there is a lack of consistency in how cyberbullying is being addressed across the country, with governments taking varying approaches to discipline, education, awareness, prevention and other aspects of programs and services delivery. Differing perspectives can of course make for healthy debate. However, witnesses were worried that children and adults are getting contradictory messages and information about what cyberbullying is or what steps can be taken to address it. Furthermore, a common opinion was that provinces are "reinventing the wheel" when developing their own anti-bullying programs and laws, rather than sharing best practices and research. The development of evidence-based policies and programs is being hindered by the lack of common definitions and understanding about the scope and prevalence of cyberbullying in Canada. Meanwhile, children who spoke to the committee expressed their frustrations and anxieties about not knowing who to turn to for help in dealing with cyberbullying.

These problems call for some form of nationally coordinated action to address the phenomenon of cyberbullying. Coordination can better ensure that consistent messages are being delivered across the country, that resources are used more efficiently, and that best practices and programs are shared more effectively. Federal government expertise in such areas as restorative justice, law enforcement,<sup>367</sup> crime prevention and the regulation of the telecommunications industry could also be better brought to assist the provinces in the delivery of their own programs.

By coordinating awareness-raising initiatives among all levels of government, there is also a better chance that more children will come to learn why bullying is not acceptable behaviour and how they can help to reduce instances of it in their schools. Children also need to be made aware of the programs that exist to help them when they are dealing with bullying and cyberbullying. The Committee believes that when a child is in distress, they need to know that someone is there to listen

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<sup>367</sup> The Committee notes, for instance, that Bill C-30: An Act to enact the Investigating and Preventing Criminal Electronic Communications Act and to amend the Criminal Code and other Acts, introduced on 14 February 2012 by the Minister of Public Safety, the Honourable Vic Toews, would enact provisions to, among other things, create new investigative tools for police as well as new obligations for telecommunications service providers in investigations of computer crime. For more see: LEGISinfo, <http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=5375610>.

to them and to guide them in the appropriate response. A coordinated strategy with a national scope can work to ensure that all children are aware of existing resources. This strategy should not seek to impose a single solution. Rather, it should facilitate the implementation of evidence-based programs that are adaptable and accommodate the unique needs of Canada's provinces, regions and neighbourhoods.

Children's participation must be a key element of such a strategy. For one, they have the right to have their voices heard in respect of any decisions that will affect them. Consulting children also makes for sound and effective decisions and policies, since they are the ones who know the issues affecting them, will have to live with the decisions made by adults and are the experts in how they are using modern technology. They must be engaged in finding the solutions and in helping advance the national dialogue on this issue. Canadian governments should work together on this to facilitate pan-Canadian consultations, and perhaps consider Jeremy Dias' suggestion to create "a youth council" or "youth committee" to help guide this process.<sup>368</sup>

In ratifying the United Nations *Convention on the Rights of the Child*, Canada accepted obligations to take all appropriate measures, whether legislative, administrative, social or educational, to protect children from all forms of physical or mental violence. Federal and provincial governments have responsibilities to Canadian children to find ways to better address cyberbullying and other forms of bullying. Together, Canadians will be able to generate solutions and work towards reducing the harms and hopefully the instances of cyberbullying.

## **Recommendation #1**

**The Committee recommends that the federal government work with provincial and territorial governments to help establish a coordinated strategy to address cyberbullying, that:**

- **Is implemented in accordance with Canada's obligations under the United Nations *Convention on the Rights of the Child*;**
- **Is developed through consultations with Canadian children;**
- **Includes a plan for promoting awareness throughout Canada about cyberbullying and the relevant programs available for children and parents;**
- **Seeks to ensure that anti-cyberbullying programs and resources are available in every region;**
- **Develops consistent and clear messages regarding cyberbullying and other inappropriate behaviour when using telecommunications technology;**
- **Seeks to publicly share best practices and evidence-based assessments concerning anti-cyberbullying programs and policies; and**
- **Establishes mechanisms for further cooperation among relevant stakeholders.**

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<sup>368</sup> *Evidence*, 11 June 2012.



## B. The call for a National Children’s Commissioner

As discussed in Chapter 5, the Committee heard strong support for the creation of an independent Children’s Commissioner at the federal level. The United Nations Committee on the Rights of the Child has emphasized that the establishment of national human rights institutions for advancing children’s rights, such as a Children’s Commissioner, is part of a State Party’s obligations to ensure the implementation of the Convention.<sup>369</sup> It has also expressed its regrets that such an institution has not been established at the federal level in Canada.<sup>370</sup> In *Children: the Silenced Citizens*, we recommended that the federal government enact legislation to establish an independent Children’s Commissioner to monitor the implementation of the *Convention* and to advocate for the rights of children in Canada. In 2011, we repeated this recommendation in our report *The Sexual Exploitation of Children in Canada: the Need for National Action*,<sup>371</sup> while drawing specific attention to how this office could be of particular benefit in Canada’s efforts to deal with the sexual exploitation of children. This current study has reinforced our view that this recommendation should be implemented without further delay. The Government of Canada has replied to both of the Committee’s reports, though has not yet provided a direct answer as to whether it is prepared to establish a federal Children’s Commissioner.<sup>372</sup>

In the *Silenced Citizens* report, we noted that the “child’s right to participate and to be heard is an important political right – it is one of the most fundamental principles underlying the *Convention on the Rights of the Child*.” During those hearings, we heard “over and over again how children and youth feel that they are not consulted or that their views are discounted, often on matters that have a significant impact on their lives.”<sup>373</sup> Articles 12 to 15 of the Convention stipulate that in the appropriate circumstances, children have the right to be heard in matters that affect their well-being. Canada has an obligation to protect and promote this right.

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<sup>369</sup> Committee on the Rights of the Child, *General Comment No. 2: The Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child*, CRC/GC/2002/2, 15 November, 2002,

[http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2002.2.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2002.2.En?OpenDocument), at para. 1 [Concluding Observations: Canada].

<sup>370</sup> Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Canada*, CRC/C/15/Add.215, 27 October 2003,

[http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/995a15056ca61d16c1256df000310995/\\$FILE/G0344648.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/995a15056ca61d16c1256df000310995/$FILE/G0344648.pdf), at para. 14-15.

<sup>371</sup> *The Sexual Exploitation of Children in Canada: The Need for National Action*, November 2011,

<http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf>.

<sup>372</sup> The government’s response to the *Silenced Citizens* report is included in Appendix 5 of Canada’s Third and Fourth Reports on the *Convention on the Rights of the Child*, available at <http://www.pch.gc.ca/pgm/pdp-hrp/docs/pdf/canada3-4-crc-reports-nov2009-eng.pdf>. Though it provided an overview of the relevant government programs, initiatives and funding that were in place for children, the response did not directly answer whether the Government of Canada was prepared to establish a federal Children’s Commissioner. Rather, it simply noted that the government recognizes and values the important work performed by the Children’s Advocates and Ombudspersons in the provinces and territories on children’s issues. The most recent response to *The Sexual Exploitation of Children in Canada: the Need for National Action* report did not address the Committee’s recommendation. This report is available at:

<http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf>.

<sup>373</sup> *Children: The Silenced Citizens, Effective Implementation of Canada’s International Obligations with Respect to the Rights of Children*, April 2007, <http://www.parl.gc.ca/39/1/parlbus/commbus/senate/com-e/huma-e/rep-e/rep10apr07-e.htm> at p.55-56.

Given that in most circumstances, children are very limited in the influence they can have on the decisions that affect them, Canada requires means to ensure that children are able to express themselves and exercise their right to be heard. At present, there is no national mechanism for hearing from and responding to children or for reporting on how their rights are being respected. One of the primary roles for a federal Children’s Commissioner would be to listen to and involve children within his or her mandate, advocate for them, and ensure that their voices are heard. Perhaps equally important would be for the Commissioner to be a source that children can rely upon for impartial, evidence-based information and resources.

In *The Sexual Exploitation of Children in Canada: the Need for National Action*,<sup>374</sup> the Committee explored how the Commissioner could “ensure that the rights of victimized children are respected and maintained throughout criminal proceedings with effective support programs,” “ensure that appropriate supports and services exist for sexually exploited children in both the public health system and the criminal justice system,” and “serve as a resource for children seeking information pertaining to their rights or to sexual exploitation issues.” These same types of supports could be offered for children who are dealing with bullying.

### **C. Teaching human rights and digital citizenship**

The Committee heard many concerns expressed over not enough time being spent in schools on developing healthy social skills and ethical behaviour (as reviewed in Chapter 5). The debate over the best ways to teach children how to grow into responsible adults has a long history, and will likely have a long future. This being said, the breakdown in interpersonal relationships that several witnesses believe is manifesting itself through cyberbullying and other forms of inappropriate online behaviour is a specific challenge for the present generation of children. If there are steps that can be taken to help them navigate such challenges more effectively, then the Committee believes that the adult generation has a responsibility to take those steps. A practical step suggested by witnesses, and supported by the Committee, is for schools, school boards and education ministries to make sure that digital citizenship and human rights form an essential part of school curricula throughout a child’s education.

Articles 28 and 29 of the Convention address a child’s right to education and explicitly state that this education shall be directed to, among other things: “[t]he development of respect for human rights and fundamental freedoms,” as well as, “[t]he preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples.” If Canada is to fully meet its obligations under the Convention, then those responsible for education will need to account for how they are teaching respect for human rights and digital citizenship. The Committee hopes that in the near future we will have reason to celebrate Canada’s

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<sup>374</sup> *The Sexual Exploitation of Children in Canada: The Need for National Action*, November 2011, <http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf>.

ability to build rights-respecting school communities. We believe that the coordinated strategy mentioned above will help to bring Canada closer to this goal.

Efforts in promoting a rights-respecting culture are required at all levels, from the national to the local, from legislatures to the classroom. As a practical example of steps to take at the school level, the concept of engaging children in creating their own codes of conduct resonated with this Committee, as this would allow children to exercise their right to participate and can engage them in finding solutions for cyberbullying. The Committee is also optimistic about what it has learned about rights-respecting schools and is glad to learn that such methods are being pioneered in Canada now. If methods can be developed to promote a rights-respecting culture where children know and understand their rights, then these should be supported by provincial governments and shared with all Canadians. The federal government can also assist in its own capacity to support such provincial initiatives with its expertise, resources and materials pertaining to human rights.

## **Recommendation #2**

**The Committee recommends 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.**

## **D. Responding to incidents of cyberbullying**

Cyberbullying incidents can range in severity from inappropriate comments on a social media site to criminal harassment as defined in the *Criminal Code*. Inappropriate behaviour in any form requires an appropriate response. Witnesses provided various thoughts and recommendations about the role of discipline and law enforcement. We received differing opinions as to whether the current provisions in the *Code* sufficiently criminalize cyberbullying. Witnesses were more or less of the same opinion, however, that when dealing with children, criminal law enforcement is only appropriate in the most extreme cases. In most cases, restorative justice practices are more likely to be successful not only in dealing with individual bullying cases, but also in helping to transform school and community cultures that support bullying behaviours. Restorative justice approaches can be applied in developing not only criminal law policies, but also in educational and preventative programs.

As some of our non-Canadian witnesses testified, Canada has been a leader in developing restorative justice practices and programs. Witnesses discussed some of the success stories that are helping to promote these practices, in particular where they have produced lower rates of bullying and recidivism in schools. Canadian governments should be taking advantage of Canada's strengths in this area, and continue to build on our expertise, resources, research and program development. In particular, we should be promoting training in this area for all stakeholders, and in particular

teachers. Expanding, improving and implementing restorative justice policy and programs should be an essential discussion during the development of the coordinated strategy recommended above.

### **Recommendation #3**

**The Committee recommends 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.**

## **E. Finding better ways to handle offensive material on the Internet**

Another common concern expressed during our hearings was how difficult it can be to have cyberbullying messages, photos and videos removed from the Internet. Some witnesses described their efforts and frustrations in trying to contact websites and Internet service providers (ISPs) for this purpose. Some expressed their desire to see better ways developed for reporting inappropriate or offensive material on social media sites and obtaining its removal. A related concern was that some websites do not have privacy settings that are suitable for children.

The regulation of the Internet did not form part of the Committee's study; however, the Committee shares these concerns and believes that wherever possible, websites should make it as easy as possible for people to report cyberbullying and have material removed or blocked as necessary. Also, privacy settings for social media sites and telecommunications devices should always default to the safest settings, in particular where children are involved.

The Committee believes that there is a role for the federal government to play in working with stakeholders to find better ways of making the Internet a safer place, particularly for children, while also preserving its role as a forum for free expression and the exchange of ideas.

### **Recommendation #4**

**The Committee recommends that the Government of Canada prioritize working with relevant industry stakeholders to make the Internet safer for children and support these stakeholders in finding ways for removing and monitoring offensive, defamatory or otherwise illegal online content in a manner that respects privacy, freedom of expression and other relevant rights.**

## **F. Filling in the gaps in research**

**There is a profound lack of information on cyberbullying in terms of development. At what point does this phenomenon emerge? What precursory risk factors indicate that a child may bully someone or be bullied? In our studies on bullying, we have seen that, very early on — even at a preschool age — some children are the target of negative behaviour on the part of others. Therefore, marginalization, rejection and victimization start very early, in a way. Is there a connection between what is observed in early childhood and childhood and cyberbullying? We do not know anything about that; there is a severe lack [of] longitudinal studies on those issues.... What I am worried about when it comes to cyberbullying is its negative potential, for all sorts of reasons that have been mentioned here. I want to begin by saying that, if cyberbullying is a new phenomenon, and it is increasing the negative impact marginalization and bullying may have, I think it deserves our full attention. - Michel Boivin**

**The challenge that we face in addressing cyber-bullying is that this form of socialization through social networking, texting, and other forms of virtual interaction, as we might think of it, is here to stay. It is the world of our youth. They are connected and they are successful at it. It provides a lot of rewards for them, but it has some challenges. We have limited understanding of the influence of this form of electronic engagement, be it positive or negative, on young people's social and emotional development, so we need to do much more research on this new and emerging phenomenon. Students' knowledge of technology is almost always greater than that of the adults in their world, whether teachers or parents. There is a gap. In most areas where we are socializing children and youth, we adults are the experts and we have the capacity to socialize them. However, the table has turned. Technology is constantly evolving, and this is where we feel that research has such an important role in helping us to understand this. - Debra Pepler**

**Online bullying as an area of research, as we know, is fairly new. - Cathy Wing**

These extracts from the evidence provide a good summary of the feeling shared by a large number of witnesses who appeared before the Committee in the course of the study. As we indicated at the very beginning of this report, cyberbullying is a relatively recent phenomenon, and our knowledge of it is still very limited. The absence of an accepted definition of cyberbullying is a genuine obstacle that prevents us from fully understanding the scope, severity, causes and consequences of the phenomenon. From the research standpoint, it is often difficult to conduct comparative studies because of the many definitions used and the methodological differences. In light of the evidence heard, the Committee's view is that we need to develop "a unified definition of

the problem and a unified way of monitoring the problem”<sup>375</sup> in order to find an effective way of dealing with cyberbullying. In our educational messages, we also need to be able to explain to young people and adults what cyberbullying is and how it manifests itself.<sup>376</sup>

### **Recommendation #5:**

**The Committee recommends that the federal government explore the possibility of working with the provinces and territories to establish a task force whose terms of reference would be to define cyberbullying and to establish a uniform manner of monitoring it nationally.**

Throughout the study, many witnesses lamented the fact that there was little longitudinal research concerning cyberbullying and highlighted several aspects of it that remain unexplored. In connection with this, Faye Mishna said:

The research on cyberbullying is fairly recent, so I do not think we know enough. One thing we have to do is follow it longitudinally. ... We need to find out at a developmental level which kids are affected by cyberbullying and what ages are affected and their gender. We do not know enough.<sup>377</sup>

Speaking before the Committee, Marla Israel described the situation as follows: “Bullying, with its repercussions and implications from poor mental health outcomes, increased stress and diminished emotional capacity, is still in its infancy with respect to understanding its causes and effects.”<sup>378</sup>

Many gaps in the research were identified by the witnesses, including our limited knowledge of the link between suicide and cyberbullying,<sup>379</sup> the risk factors and protective factors involved in being victims or perpetrators of cyberbullying,<sup>380</sup> “the ways in which these electronic forms of victimization invade children’s lives”<sup>381</sup> and our more general understanding of the impact of information and communication technologies on the social and emotional development of young people.<sup>382</sup>

Several witnesses, including Justin Patchin, also identified significant shortcomings in terms of the evaluation of policies and “programs that target online safety or cyberbullying.”<sup>383</sup> As we mentioned already, evaluating programs is a crucial factor in addressing cyberbullying. To be

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<sup>375</sup> Wendy Craig, *Evidence*, 12 December 2011.

<sup>376</sup> Wendy Craig, *Evidence*, 12 December 2011.

<sup>377</sup> Faye Mishna, *Evidence*, 30 April 2012.

<sup>378</sup> Marla Israel, *Evidence*, 7 May 2012.

<sup>379</sup> Suzanne McLeod, Centre for Suicide Prevention, *Evidence*, 14 May 2012.

<sup>380</sup> Faye Mishna, *Evidence*, 30 April 2012. Here is what she told the Committee: “...we need to identify those kids who are more at risk of being victimized or of perpetrating. ... The interventions need to identify and address those kids. While education might be enough for most kids, it may not be enough for those kids because other factors affect them.”

<sup>381</sup> Debra Pepler, *Evidence*, 12 December 2011.

<sup>382</sup> Debra Pepler, *Evidence*, 12 December 2011.

<sup>383</sup> *Evidence*, 14 May 2012.

effective, programs need to be based on sound scientific data. As stated by Wendy Craig, “[w]e want to make sure that we put into schools and communities programs that work.”<sup>384</sup>

In addition to an index of the strategies and programs that would make it possible to effectively combat cyberbullying, the witnesses felt that it was also necessary to ensure that the findings of the research are broadly disseminated. The witnesses all agreed that school principals and adults who work with young people in our communities need access to tools to help them select proven programs for addressing the specific needs of their clientele. As noted by Wendy Craig, “[t]he first thing is getting the evidence into the hands of the people who need it.”<sup>385</sup>

Elizabeth Meyer encouraged the government to “fund action-based research projects that prioritize interagency collaboration, education and intervention in order to establish local and provincial networks to create more holistic and effective responses to cyberbullying.”<sup>386</sup> This approach would not only lead to enhanced knowledge of the issues, but would also promote this knowledge.

The Committee agrees with the witnesses that it is through research that we will acquire a better understanding of the factors that influence bullying and better target our interventions to effectively and coherently combat it. The Committee also acknowledges that the rapid development of information and communication technologies greatly complicates the task of researchers. Research based on 2006 data will not reflect the digital reality for young people using technology in 2012. Because of this rapid technological development, regular monitoring of bullying is also essential. Researchers, educators and all adults who work with young people must have access to reliable and up-to-date data.

We are fortunate in Canada to have prolific researchers in the field of cyberbullying. We need to provide them with the tools they need to move research into cyberbullying forward and to identify the most effective ways of preventing bullying and promoting healthy relationships. In order to accomplish this, Canada must conduct more longitudinal, multidisciplinary research that is both culturally and socially relevant.

Like many of the witnesses, the Committee believes that the federal government can make a difference by working with the provinces in supporting and disseminating evidence-based research in order to provide us with more information about how to react appropriately to cyberbullying among young people and to provide the victims, perpetrators and everyone who witnesses cyberbullying with appropriate support.

In the course of this study, the Committee learned about the existence of research partnerships and innovative initiatives involving federal institutions, including the Public Health Agency of Canada (hereafter referred to as the Agency). In partnership with the PREVNet team chaired by

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<sup>384</sup> Wendy Craig, *Evidence*, 12 December 2011.

<sup>385</sup> *Ibid.*

<sup>386</sup> *Evidence*, 7 May 2012.

Wendy Craig and Debra Pepler, the Agency developed the Canadian Best Practices Portal, a website that lists evidence-based violence prevention programs.<sup>387</sup> The federal government should consider an awareness campaign to inform professionals who work with young Canadians about this directory of programs.

The Agency also recently funded the Health Behaviour in School-Aged Children Survey. According to Marla Israel, the survey, conducted by researchers at Queen’s University, enabled them “to collect valuable information [on the mental health of school-age children] to inform future policy directions and program initiatives for federal and provincial government departments, educators, academics and researchers.”<sup>388</sup>

The Committee believes that the federal government should recognize the urgency of the youth cyberbullying problem by working with the provinces in supporting longitudinal research and implementing innovative and effective solutions.

### **Recommendation #6:**

**The Committee recommends that the federal government work with the provinces and territories to support long-term research initiatives to enhance our understanding of the phenomenon of cyberbullying and to provide us with information about gender differences, risk factors and protective factors linked to cyberbullying and about the influence of information and communication technologies on the social and emotional development of young people.**

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<sup>387</sup> Debra Pepler, *Evidence*, 12 December 2011.

<sup>388</sup> Marla Israel, *Evidence*, 7 May 2012.



## **APPENDIX A: WITNESSES**

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**Monday, December 12, 2011**

*Bullying.org:*

Bill Belsey, President.

*Queen's University:*

Wendy Craig, Scientific Co-Director, Promoting Relationships & Eliminating Violence Network.

*York University:*

Debra Pepler, Scientific Co-Director, Promoting Relationships & Eliminating Violence Network.

**Monday, April 30, 2012**

*McGill University:*

Shaheen Shariff, Associate Professor, Department of Integrated Studies in Education, Faculty of Education;

Manveen Patwalia, Research Assistant.

*University of Toronto:*

Faye Mishna, Dean and Professor, Factor-Inwentash Faculty of Social Work.

*Media Awareness Network:*

Cathy Wing, Co-Executive Director;

Matthew Johnson, Director of Education.

*Stop a Bully:*

Trevor Knowlton, President;

Hal Roberts, Vice-President.

**Monday, May 7, 2012**

*California Polytechnic State University and Concordia University:*

Elizabeth Meyer, Professor, School of Education (by videoconference).

*University of British Columbia:*

Shelley Hymel, Professor, Department of Educational and Counselling Psychology, and Special Education (by videoconference).

*Carleton University:*

Tina Daniels, Associate Professor, Department of Psychology.

*Public Health Agency of Canada:*

Marla Israel, Acting Director General, Centre for Health Promotion.

*Royal Canadian Mounted Police:*

Inspector Michael Lesage, Acting Director General, National Aboriginal Policing;

Erin Mulvihill, Coordinator, RCMP Youth Engagement Section, National Crime Prevention Services.

*Public Safety Canada:*

Daniel Sansfaçon, Director, Policy, Research and Evaluation, National Crime Prevention Centre.

**Monday, May 14, 2012**

*Canadian Safe School Network:*

Stu Auty, President.

*Canadian Teachers' Federation:*

Paul Taillefer, President.

*Canadian School Boards Association:*

Sandi Urban Hall, President-Elect, Canadian School Boards Association;

David Birnbaum, Executive Director, Quebec English Boards Association.

*Dalhousie University:*

A. Wayne MacKay, Professor and Associate Dean of Research, Schulich School of Law (by videoconference).

*Kids Help Phone:*

Sharon Wood, President and CEO;

Alain Johnson, Clinical Director, French Language Services.

*Centre for Suicide Prevention:*

Suzanne McLeod, Curriculum Developer;

Robert Olson, Librarian.

*University of Wisconsin-Eau Claire:*

Justin W. Patchin, Co-director, Cyberbullying Research Centre (by videoconference).

*University of British Columbia:*

Jennifer Shapka, Associate Professor, Department of Educational and Counselling Psychology, and Special Education.

*Université Laval:*

Michel Boivin, Professor and Canada Research Chair in Child Development, School of Psychology.

**Monday, June 4, 2012**

*Springbank Middle School:*

Bill Belsey, Teacher (by videoconference);

Samantha Hoogveld, Student (by videoconference);

Mariel Calvo, Student (by videoconference);

Emily Dickey, Student (by videoconference);

Emilie Richards, Student (by videoconference);

Molly Turner, Student (by videoconference);

Katie Allan, Student (by videoconference);

Shelby Anderson, Student (by videoconference);

Sloane Anderson, Student (by videoconference);

Oliver Buchner, Student (by videoconference).

*Anti-Defamation League:*

Scott Hirschfeld, Director of Curriculum (by videoconference);

Seth M. Marnin, Assistant Director, Legal Affairs, Civil Rights Division (by videoconference).

*Egale Canada:*

Helen Kennedy, Executive Director.

*Vidéotron:*

Marie-Eve Villeneuve, Director, Corporate Communications.

*UNICEF Canada:*

Marvin Bernstein, Chief Advisor, Advocacy.

*Canadian Red Cross:*

Chris Hilton, Senior Manager, Government Relations;

Alisha Virmani, Youth Leader;

Amélie Doyon, Creating Safe Environments Officer

*Canadian Council of Provincial Child and Youth Advocates:*

Christian Whalen, Acting Child and Youth Advocate, Office of the Ombudsman of New Brunswick.

**Monday, June 11, 2012**

*Anti-Bullying Alliance:*

Lauren Seager-Smith, Coordinator (by videoconference).

*Childnet International:*

Will Gardner, Chief Executive Officer (by videoconference).

*Stop Bullying Now:*

Stan Davis, Co-researcher, Youth Voice Project (by videoconference).

*Congress of Aboriginal Peoples:*

Jenna Burke, National Youth Policy Coordinator.

*Jer's Vision:*

Jeremy Dias, Director and Founder.

*Nova Scotia Department of Education:*

Don Glover, Director, Student Services Division, Public School Branch (by videoconference);

Rola AbiHanna, Guidance Consultant, Student Services Division (by videoconference).

*Dalhousie University:*

A. Wayne MacKay, Professor and Associate Dean of Research, Schulich School of Law.

*University of Wisconsin-Eau Claire:*

Justin W. Patchin, Co-director, Cyberbullying Research Center (by videoconference).

*Witnesses pursuant to the order of reference adopted by the Senate on Wednesday, November 30, 2011, that, notwithstanding Rule 92, the Standing Senate Committee on Human Rights be empowered to hold occasional meetings in camera for the purpose of hearing witnesses and gathering sensitive evidence.*



## **APPENDIX B: LIST OF BRIEFS SUBMITTED TO THE COMMITTEE**

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- Anger, Connie
- Bahá'í Community of Canada
- BULLYING.ORG (Bill Belsey)
- California Polytechnic State University and Concordia University (Elizabeth Myer)
- Canadian Council of Provincial Child and Youth Advocate (Christian Whalen)
- Canadian Internet Registration Authority (CIRA)
- Canadian Safe School Network (Stu Auty)
- Canadian School Board Associations (Sandi Urban Hall)
- Canadian Teachers' Federations (Paul Taillefer)
- Canadian Wireless Telecommunication Association
- Carleton University (Tina Daniels)
- Centre for Suicide Prevention
- Congress of Aboriginal People (Jenna Burke)
- Dalhousie University (A. Wayne MacKay)
- Facebook
- KidsCan (David Millen)
- Kids Help Phone (Wendy Craig)
- Lefebvre, Arlette
- Marcelleni, Daniel
- McGill University (Shaheen Shariff)
- Media Awareness Network
- Nova Scotia Department of Education (Don Glover)
- Public Health Agency of Canada (Marla Israel)
- Public Safety Canada (Daniel Sansfaçon)
- Quebec English School Boards Association
- Queen's University (Wendy Craig)
- Rice, William
- Royal Canadian Mounted Police (RCMP)
- Stop a Bully (Trevor Knowlton)
- UNICEF Canada
- United States Department of Education
- Université Laval (Michel Boivin)
- University of British Columbia (Jennifer Shapka)

- University of British Columbia (Shelley Hymel)
- University of Toronto (Faye Mishna)
- Vidéotron (Marie-Ève Villeneuve)
- York University (Debra Pepler)



## APPENDIX C: DEFINITIONS OF CYBERBULLYING

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“The first definition I gave of "cyber-bullying," to really understand what it is all about, was: Cyberbullying involves the use of information and communication technologies that support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm others. The key aspects are: It is deliberate, repeated and has intent to harm others. That is what makes bullying, bullying.” (Bill Belsey, Evidence)

“Cyberbullying, also referred to as electronic bullying, is a form of bullying and occurs through the use of technology. This can include the use of a computer or other electronic devices, using social networks, text messaging, instant messaging, websites, email or other electronic means. A person participates in bullying if he or she directly carries out the behaviour or assists or encourages the behaviour in any way.” (Canadian School Boards Association, Evidence)

“We have defined "cyberbullying" as "the use of information and communication technologies to bully, embarrass, threaten or harass another person." It also includes the use of these technologies to engage in conduct or behaviour that is derogatory, defamatory, degrading or illegal.” (Canadian Teachers’ Federation, Evidence)

“I think that the best way to look at these behaviours is to use the standard that says “behaviours that a reasonable person would think would have a likelihood of causing harm.” I have been reviewing laws about criminal threatening, and though it may be an old law, I found the “uttering threat standard” from Canada, which seems just right to me, as well as our own state standard in the District of Columbia: behaviours that a reasonable person would think would be likely to put someone else in fear.” (Stan Davis, Evidence)

“Cyber-bullying, as defined by the Montreal police, is the posting of threatening, offensive or degrading messages about someone using words or images; it also includes harassment. Cyberbullying takes place through emails, in chat rooms, discussion groups, websites and through instant messaging.” (Service de police de la ville de Montréal quoted by Senator Mobina S. B. Jaffer, chair of the Committee)

“On April 18, 2011, the UN Committee on the Rights of the Child stated that mental violence, as framed in Article 19 of the convention, can include: Psychological bullying and hazing by adults or other children, including via information and communication technologies (ICTs) such as mobile phones and the Internet (known as “cyberbullying”).” (United Nations definitions of cyberbullying quoted by Senator S. B. Jaffer, chair of the Committee)

“One definition of cyberbullying is that it is the use of communication and information technology to harm another person. It can occur on any technological device and it can include countless behaviours to do such things as spread rumours, hurt or threaten others, or to sexually harass.” (Faye Mishna, Evidence)

“We define cyberbullying as wilful and repeated harm inflicted through the use of computers, cellphones or other electronic devices. Admittedly, this is an imperfect definition, so when we survey students and others about this problem, we define cyberbullying as when someone repeatedly harasses, mistreats or makes fun of another person online or while using cellphones or other electronic devices.” (Justin Patchin, Evidence)

“Cyberbullying, also referred to as electronic bullying, is a form of bullying and occurs through the use of technology. This can include the use of a computer or other electronic devices, using social networks, text messaging, instant messaging, websites, email or other electronic means. A person participates in bullying if he or she directly carries out the behaviour or assists or encourages the behaviour in any way.” (Sandi Urban-Hall, Evidence)

## **APPENDIX D: EXCERPTS FROM THE CONVENTION ON THE RIGHTS OF THE CHILD<sup>389</sup>**

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### **Article 1**

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

### **Article 3**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

### **Article 12**

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

### **Article 13**

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

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<sup>389</sup> United Nations, *Convention on the Rights of the Child*, A/RES/44/25, 20 November 1989, <http://www2.ohchr.org/english/law/crc.htm>.

- (a) For respect of the rights or reputations of others; or
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.

### **Article 16**

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

### **Article 17**

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

### **Article 18**

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

#### **Article 19**

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

#### **Article 24**

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

### **Article 28**

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

### **Article 29**

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

### **Article 31**

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

### **Article 42**

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.





## APPENDIX E: PROGRAMS AND INITIATIVES DISCUSSED DURING THE HEARINGS

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The following list is intended to highlight some of the programs and initiatives presented by witnesses in written and oral submissions over the course of the Committee's study and to facilitate readers' access to these resources.

### **Anti-Defamation League (United States)**

The United States-based Anti-Defamation League informed the Committee about four programs they offer pertaining to cyberbullying.<sup>390</sup> *Trickery, Trolling and Threats* is a workshop offered to middle and high school teachers, administrators and youth service providers in order to increase awareness of cyberbullying and effective ways to deal with its challenges. *Cyberbullying: Focus on the Legal Issues* is a workshop intended for school administrators concerned about relevant legal issues. *CyberALLY* is a program intended to give students practical advice and skills for coping with and responding to cyberbullying and other forms of inappropriate online conduct. Finally, *Youth and Cyberbullying: What Families Don't Know Will Hurt Them* is a training workshop for families to help them create a safer online environment.

### **Bullying.org and Cyberbullying.ca**

Bullying.org<sup>391</sup> and Cyberbullying.ca<sup>392</sup> were both founded by Canadian teacher Bill Belsey. They offer information and resources concerning bullying and cyberbullying for students and teachers, as well as online courses, games, and access to support groups for victims. The site also allows youth to share their stories through posting their writing, art and music.

### **Bullying Awareness Week**

Many jurisdictions in Canada<sup>393</sup> and abroad now recognize some form of an annual week-long event in mid to late November to raise awareness about bullying and what can be done to address it. In Canada, this is most commonly referred to as Bullying Awareness Week, whereas in the United Kingdom a similar event is referred to as Anti-Bullying Week.<sup>394</sup> The event was first organised in Canada by Bill Belsey of Bullying.org.<sup>395</sup>

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<sup>390</sup> Scott Hirschfield, *Evidence*, 4 June 2012. See also: Anti-Defamation League, *ADL: Fighting Anti-Semitism, Bigotry and Extremism*, 2012, <http://www.adl.org/?s=topmenu>.

<sup>391</sup> Bill Belsey, *Evidence*, 12 December 2011. See also: Bullying.org, <http://www.bullying.org>.

<sup>392</sup> Bill Belsey, *Evidence*, 12 December 2011. See also: Cyberbullying.ca, <http://www.cyberbullying.ca> (also available at: <http://www.cyberbullying.org>).

<sup>393</sup> See for example: Government of Ontario, Ministry of Education, *Bullying Awareness and Prevention Week*, 19 October 2011: <http://www.edu.gov.on.ca/eng/safeschools/prevention.html>; and, Government of Alberta, Human Services, *Bully Prevention*, <http://www.child.alberta.ca/home/586.cfm>.

<sup>394</sup> Anti-Bullying Alliance, *Anti-Bullying Week*, <http://www.anti-bullyingalliance.org/anti-bullying-week.aspx>.

<sup>395</sup> Anti-Bullying Awareness Week, <http://www.bullyingawarenessweek.org/>.

## Canadian Red Cross

The Canadian Red Cross offers workshops and training on abuse, violence, sexual exploitation and bullying through its prevention and education programs. *Beyond the Hurt*<sup>396</sup> is an initiative run in partnership with schools, sports groups and other youth organizations to assist communities in preventing and responding to bullying. The program includes workshops for families and those who work with youth. The *RespectED: Violence & Abuse Prevention* programs are designed to promote healthier relationships and safer communities through education and partnerships.<sup>397</sup>

## Canadian Safe School Network

Among the programs offered by the Canadian Safe School Network,<sup>398</sup> *SNAP (Stop Now and Plan)*<sup>399</sup> is a school-based program aimed at decreasing bullying and anti-social behaviours by, among other things, helping children to develop greater self-control, anger management and problem solving skills as well as to learn how to deal with peer pressure and bullying. Also, the *Huddle Up*<sup>400</sup> anti-bullying program is run in partnership with the Toronto Argonauts Players, Cheerleaders and Foundation. It helps schools develop a student-led anti-bullying committee and assemblies involving members of the Argonauts football team.

## Dare to Care

The *Dare to Care*<sup>401</sup> program seeks to help address bullying by engaging the whole school community in discussing the harms of bullying and other problematic behaviours, such as substance abuse and violence.

## Define the Line

*Define the Line*<sup>402</sup> is a project based at McGill University, directed by Dr. Shaheen Shariff and supported by grants from Facebook, the Social Sciences and Humanities Research Council (SSHRC) and other funding organizations. Its goal is to share “research findings and expertise with policymakers, educators, and jurists to help them understand the complex nature of cyberbullying and address the existing policy vacuum on the legal and ethical limits of online expression.” Its website also helps parents, and youth become more aware of cyberbullying and related issues and offers commentary on legal and policy matters.

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<sup>396</sup> Chris Hilton, Alisha Virmani and Amélie Doyon, *Evidence*, 4 June 2012. Canadian Red Cross, *Violence and Abuse Prevention*, 18 May 2012, <http://www.redcross.ca/article.asp?id=294&tid=030>.

<sup>397</sup> Chris Hilton, Alisha Virmani and Amélie Doyon, *Evidence*, 4 June 2012. Canadian Red Cross, *RespectED: Violence & Abuse Prevention*, <http://www.redcross.ca/article.asp?id=27219&tid=001>.

<sup>398</sup> Stu Auty, *Evidence*, 14 May 2012; See also Canadian Safe School Network, *About Us*, 2008, <http://www.canadiansafeschools.com/about/overview.htm>.

<sup>399</sup> Canadian Safe School Network, *Resources and Research: SNAP – Stop-Now-And-Plan*, 2008, <http://www.canadiansafeschools.com/programs/programs/SNAP.htm>.

<sup>400</sup> Canadian Safe School Network, *Resources and Research: “Huddle up” - A Bullying Prevention Program*, 2008, <http://www.canadiansafeschools.com/programs/programs/huddleUp.htm>.

<sup>401</sup> Shelley Hymel, *Evidence*, 7 May 2012. See also: Dare to Care, <http://www.daretocare.ca/index.php>.

<sup>402</sup> Shaheen Shariff *Evidence*, 30 April 2012. See also: Define the Line, <http://www.definetheline.ca/>.

## Egale

Egale<sup>403</sup> offers several resources regarding homophobic bullying to lesbian, gay, bisexual, transgender and questioning youth (LGBTQ) and their allies. Egale runs the mygsa.ca web site,<sup>404</sup> which offers guides and information, news, resources and networks of gay-straight alliances to young people hoping to start one in their school. Similarly, Egale also offers teacher training workshops on heterosexism, homophobia and transphobia, provides equity and education resource kits to schools, and sponsors petitions for provincial education ministers in support of LGBTQ-friendly schools.<sup>405</sup>

## Government of Canada

- **National Crime Prevention Centre**

Public Safety Canada's National Crime Prevention Centre<sup>406</sup> conducts and makes available research and funds a variety of projects seeking to prevent crime. It assists community-based projects that address risk factors likely to lead to criminality. It funded a three-year initiative led by doctors Wendy Craig and Debra Pepler, which culminated in the report, *A National Strategy on Bullying: Making Canada Safer for Children and Youth*,<sup>407</sup> and proposed elements of a strategy to reduce bullying among children and youth through partnerships with national organizations.<sup>408</sup>

- **Public Health Agency of Canada**

The Public Health Agency of Canada<sup>409</sup> supports a number of initiatives to address bullying and cyberbullying, as well as to promote mental health and self-esteem among Canadian youth. It also funds community interventions (including the WITS program referenced below) and health promotion programs for at-risk children and families. It also partners with provincial and territorial governments to promote health issues in schools. The Public Health Agency of Canada makes available information on violence and bullying prevention programs through its Best Practices Portal<sup>410</sup> and through the Government of Canada Healthy Canadians<sup>411</sup> website.

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<sup>403</sup> Egale Canada, [www.egale.ca/](http://www.egale.ca/).

<sup>404</sup> See also: Egale Canada, GSA Guide, <http://mygsa.ca/GSAGuide>.

<sup>405</sup> Helen Kennedy, *Evidence*, 4 June 2012. See also: Taylor, C. & Peter, T., with McMinn, T.L., Elliott, T., Beldom, S., Ferry, A., Gross, Z., Paquin, S., & Schachter, K. (2011). *Every class in every school: The first national climate survey on homophobia, biphobia, and transphobia in Canadian schools (Final report)*, Toronto, Ontario, Egale Canada Human Rights Trust, available at: <http://archive.egale.ca/index.asp?lang=E&menu=4&item=1489>.

<sup>406</sup> Public Safety Canada, *Crime Prevention*, 14 May 2012, <http://www.publicsafety.gc.ca/prg/cp/index-eng.aspx>.

<sup>407</sup> Pepler DJ, Craig WM, Hymel S. *A national strategy on bullying: making Canada safer for children and youth*, Ottawa: National Crime Prevention Centre, Department of Justice, 2002.

<sup>408</sup> Daniel Sansfaçon, *Evidence*, 7 May 2012.

<sup>409</sup> Marla Israel, *Evidence*, 7 May 2012; see also: Public Health Agency of Canada, Home, 14 August 2012, <http://www.phac-aspc.gc.ca/index-eng.php>.

<sup>410</sup> Public Health Agency of Canada, *Preventing Violence: Best Practice Interventions*, <http://66.240.150.14/topic/br-rlac/6/page/1>.

<sup>411</sup> Government of Canada, Healthy Canadians, *Bullying – Child health and safety*, 14 November 2010, <http://www.healthycanadians.gc.ca/init/kids-enfants/intimidation/index-eng.php>.

- **Royal Canadian Mounted Police (RCMP)**

The RCMP is engaged in a number of educational and outreach programs and partnerships intended to educate youth about cyberbullying. Some of the RCMP's initiatives include the deal.org website,<sup>412</sup> an online collection of fact sheets, interactive games, youth-written blogs and other products on cyberbullying aimed at the 12 to 17 age group and their parents. The RCMP has also distributed products such as anti-cyberbullying trading cards to youth and, in 2009, partnered with other police agencies to develop the National Youth Officer Program. This program trains youth officers working in schools across Canada and provides them with lesson plans concerning cyberbullying. The RCMP also collaborates with other organizations in promoting anti-cyberbullying resources, such as PREVNet and the Canadian Teachers' Federation.

### **Jer's Vision**

Founded by Jeremy Dias, Jer's Vision<sup>413</sup> works to eliminate homophobia, transphobia, bullying, and other forms of discrimination in schools and among youth. It offers educational programming, workshops and presentations on topics such as using social media and diversity-training.

### **Kids Help Phone**

Kids Help Phone<sup>414</sup> offers telephone and online counselling services to children and youth. Professional counsellors and staff offer confidential, non-judgmental assistance and support on concerns such as bullying, relationships, school, violence and suicide. Kids Help Phone can also connect callers with services in their local communities. Its cross-Canada number is 1-800-668-6868.

### **MTV - A Thin Line (United States)**

MTV's *A Thin Line*<sup>415</sup> campaign aims to help youth in the United States of America identify and respond to "digital abuse." Its web site provides information and advice about such issues as cyberbullying, harassment and sexting and includes an application where young people can post questions or comments about their relationships. The campaign also has partners in a variety of organizations including Facebook, the Anti-Defamation League, the National Association for the Advancement of Colored People (NAACP), and the Gay and Lesbian Alliance Against Defamation (GLAAD).

### **Office for Standards in Education, Children's Services and Skills (United Kingdom)**

The United Kingdom's Office for Standards in Education, Children's Services and Skills (OFSTED)<sup>416</sup> reports directly to Parliament and is responsible for inspecting and regulating a variety of services for young people, including childcare services, schools, fostering and adoption services, and adult learning environments. OFSTED assesses a variety of criteria detailed in its Framework

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<sup>412</sup> Royal Canadian Mounted Police, Deal.org, <http://deal.org/>.

<sup>413</sup> Jer's Vision, *Canada's Youth Diversity Initiative*, <http://www.jersvision.org>.

<sup>414</sup> Kids Help Phone, *About Us*, <http://org.kidshelpphone.ca/en/about-us/>.

<sup>415</sup> Mentioned by Scott Hirschfield, *Evidence*, 4 June 2012. See also: MTV, *A Thin Line*, <http://www.athinline.org/>.

<sup>416</sup> OFSTED, *Who We Are and What We Do*, 2012, <http://www.ofsted.gov.uk/about-us>.

for School Inspection, including the quality of teaching, the achievement of students and the behaviour and safety of children. The framework assists with assessments of students' attitudes towards their schools, fellow students, and school staff and with regard to harassment and bullying.<sup>417</sup>

### **Professionals Online Safety Helpline (United Kingdom)**

The United Kingdom Safer Internet Centre offers the *Professionals Online Safety Helpline* (POSH)<sup>418</sup> for professionals working with young people in the UK. The helpline is intended to address, among other things, their questions regarding youth online safety, cyberbullying, and sexting.<sup>419</sup>

### **Promoting Relationships and Eliminating Violence Network (PREVNet)**

The Promoting Relationships and Eliminating Violence Network (PREVNet)<sup>420</sup> is a coalition whose goals are to “exchange knowledge about bullying to enhance awareness, to provide assessment and intervention tools, and to promote policy related to the problems of bullying” and to “develop a national strategy to reduce problems of bullying and victimization throughout Canada.” It offers academic, research-based training developed from the expertise of PREVNet’s researchers. It partners with a wide variety of government and non-government organisations at the national and local levels to promote positive relationships and eliminate violence among young persons.

### **Roots of Empathy**

The *Roots of Empathy*<sup>421</sup> program, developed by Mary Gordon in 1996, is a several-step program in which students observe the relationship between a parent and baby at several points over a school year. The program allows children to observe the infant’s development, the bond between parent and child, and the way the parent meets the child’s needs, thus increasing students’ sensitivity and empathy.<sup>422</sup>

### **SAFETEEN**

SAFETEEN<sup>423</sup> consists of a variety of workshops, coaching opportunities and other programs addressing issues such as relationships, violence, body image, self-esteem, peer pressure, sexuality and other challenging topics for young men and women. SAFETEEN offers specialized programming tailored to the needs of pre-teens, teens and adults.<sup>424</sup>

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<sup>417</sup> William Gardner, *Evidence*, 11 June 2012.

<sup>418</sup> UK Safer Internet Centre, *Helpline*, <http://www.saferinternet.org.uk/helpline/>.

<sup>419</sup> William Gardner of ChildNet International discussed this program while emphasizing the importance of making available support and resources to adults who work with youth facing difficult issues, such as cyberbullying. *Evidence*, 11 June 2012.

<sup>420</sup> PREVNet, *About Us*, 2011, <http://prevnet.ca/AboutUs/tabid/92/Default.aspx>.

<sup>421</sup> Roots of Empathy, *About Us*, 2012, <http://www.rootsofempathy.org/en/who-we-are/about-roots-of-empathy.html>.

<sup>422</sup> Faye Mishna, *Evidence*, 30 April 2012 and Shelly Hymel, *Evidence*, 7 May 2012.

<sup>423</sup> Safeteen, <http://www.safeteen.ca>.

<sup>424</sup> Shelly Hymel, *Evidence*, 7 May 2012.

## **Stop a Bully**

Stop a Bully<sup>425</sup> is a Canadian organization that has partnerships with schools throughout Canada. Stop a Bully allows students to report bullying confidentially and anonymously through its web site, which in turn ensures that the reports reach school officials. As well, Stop a Bully also offers videos, teacher resources and other anti-bullying materials.

## **UNICEF Canada**

UNICEF Canada<sup>426</sup> is involved in several initiatives that are relevant to bullying and cyberbullying. The organization is collaborating with PREVnet on the *Rights Respecting Schools* initiative, a program that promotes the United Nations *Convention on the Rights of the Child* as a basis for building an inclusive, respectful school culture and that equips students for enhanced participation and citizenship in schools and in their communities. UNICEF also makes available information about children's online safety, including its 2011 report *Child Safety Online: global challenges and strategies*,<sup>427</sup> as well as facts and tips on online safety issues such as cyberbullying, sexting and sexual exploitation.

## **Videotron - Vigilance on the Net**

Videotron is an internet service provider in Quebec. Its *Vigilance on the Net*<sup>428</sup> program and website offer materials, educational toolkits and learning modules designed to educate Quebec's youth about the possible dangers of the Internet and provide them with the tools to protect themselves.

## **WITS**

WITS (Walk away, Ignore, Talk it out and Seek help) programs<sup>429</sup> were developed to "bring together schools, families and communities to help children deal with bullying and peer victimization and to encourage adults to respond to children's requests for help." The program offers violence prevention programs and resources to schools, families and communities. It has been used in more than 150 schools across Canada and the United States of America. WITS encourages children to respond to peer victimization in a safe, non-violent way, and provides children and adults with a common language to discuss and address incidents. Among its partners, supporters and sponsors are the Social Sciences and Humanities Research Council of Canada, the Canadian Institutes for Health Research, the British Columbia Ministry of Education, the Public Health Agency of Canada, and the RCMP.

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<sup>425</sup> Stop a Bully, *About Stop a Bully*, 2009-2012, <http://www.stopabully.ca/about-us>.

<sup>426</sup> UNICEF Canada, *Child Safety Online*, 2012, <http://www.unicef.ca/en/article/child-safety-online-global-challenges-and-strategies>.

<sup>427</sup> United Nations Children's Fund, Innocenti Research Centre, *Child Safety Online: global challenges and strategies*, December 2011, [http://www.unicef.ca/sites/default/files/imce\\_uploads//TAKE%20ACTION/ADVOCATE/DOCS/Child\\_Safety\\_online\\_Globa\\_challenges\\_and\\_strategies.pdf](http://www.unicef.ca/sites/default/files/imce_uploads//TAKE%20ACTION/ADVOCATE/DOCS/Child_Safety_online_Globa_challenges_and_strategies.pdf).

<sup>428</sup> Marie-Eve Villeneuve, *Evidence*, 4 June 2012. See also: Vidéotron, *Vigilance on the Net*, 2012, <http://www.vigilancesurlenet.com/en/home/index.php>.

<sup>429</sup> Wendy Craig, *Evidence*, 12 December 2011; and, Shelley Hymel, Marla Israel, and Michael Lesage, *Evidence*, 7 May 2012. See also: WITS, <http://web.uvic.ca/wits/schools/>.