

# Submission in response to The Democratic Unionist Party's - *Examining online harassment and cyber bullying Pre-Consultation Paper*

Submitted via e-mail to: [sskillen@dup.org.uk](mailto:sskillen@dup.org.uk)

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Thank you for the opportunity to provide a submission in response to the pre-consultation paper examining online harassment and cyber bullying. This paper is on a timely social issue and one we feel requires considered, evidence-based responses.

Our submission draws on our combined expertise of having researched, written and published in these areas for over a decade (For example: Gordon, 2007; Reilly, 2011; Gordon and Reilly, 2018). In particular we have conducted empirical research in Northern Ireland and other international jurisdictions, focusing on children's and young people's use of social media (Gordon, 2018); journalists use of children's social media content (Gordon, 2016b); the damaging consequences of 'naming and shaming' (Gordon, 2012; Gordon, 2016a, 2016b; Gordon, 2018; Gordon, 2020); 'under-the-line' commentary on websites (Gordon, 2012; Gordon, 2018; Gordon, 2019); the role of online platforms in anti-social behaviour within contested interface areas (Reilly, 2011a; 2011b; 2012); how citizens use social media to respond to contentious parades and protests (Reilly, 2016a; 2016b); stakeholder perspectives on the 'Ending the Harm' campaign against paramilitary-style attacks (Gordon and Reilly, 2018); and the impact of social media on adolescent mental health (O'Reilly et al, 2018a; 2018b; 2019).

In addition to scholarly outputs, our research has been referenced by the UN Committee on the Rights of the Child at the examination of the UK Government's child rights record in 2015 (Gordon, 2007; Gordon, 2012); in Judicial Review hearings - Northern Ireland High Court in 2016; 2017 (Gordon, 2016a) and in the UK Court of Appeal in 2019 (Gordon, 2012; Gordon, 2016a; Gordon 2018); 'Fake News' inquiry UK House of Commons Digital, Culture, Media and Sport Committee (Reilly, 2018); Northern Ireland Community Relations Council report on Social Media, Parades and Protests (Young and Reilly, 2015) and the UK Government Health Committee Inquiry into Children and young people's mental health (O'Reilly *et al*, 2017).

We are collaborating at present on a project examining key stakeholder perspectives on the efficacy of the 'Ending the Harm' Campaign in highlighting the impact of paramilitary-style attacks on communities within Northern Ireland.

We would welcome the opportunity to discuss any aspects of our submission, recommendations and wider research further with you.

Yours sincerely,

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## 1. What is your view of the three core aims of the policy?

We agree with the underlying philosophy that all children and adults in Northern Ireland are kept safe from harm online. We also agree with the aim of the paper, which is “to study how the government has and can respond in law, policy and services”.

Research by Gordon (2017; 2019a) notes that policies and practices must ensure that *all* children and adults are kept safe from harm online and this acknowledges that individuals who have come into contact with the criminal justice system must be protected and their privacy rights respected. Our combined research demonstrates that there are individuals and social groups with specific identified needs, who may require tailored support in accessible formats and this should be acknowledged in drafting of the central aims for this policy.

We have also written about the need for social media companies to protect children from being exposed to harmful content on their sites (Gordon, 2017), which has been explored in England and Wales in the recent ‘Online Harms’ White Paper (February 2020). This paper proposes new powers for OfCom to impose sanctions upon tech companies who fail to protect users from cyberbullying and online harassment. It is not yet clear whether the UK will follow the lead of EU countries e.g. compelling social media companies to remove extremist content within one hour of it being reported by users. We would recommend that the recommendations of this White Paper feed into any policy statement about online harassment and cyberbullying put forward to the Assembly or local councils.

We recommend that the core aims be expanded as follows:

That all children and adults are free from bullying and harassment online.

We ensure parents, guardians, carers, families, teachers, university lecturers, advocates, employers and other statutory agencies, are educated about, and understand the key signs of someone being bullied and harassed online.

We ensure that free tailored expert support services are available for those directly experiencing bullying and harassment online and that the support services are advertised and promoted widely in accessible formats, both on and offline.

That all strands of government provide support where required to ensure online harassment can be halted.

A duty of care should be placed on mainstream media organisations and online platforms to promptly investigate and, if appropriate remove, content posted on their sites flagged as constituting online harassment or cyberbullying (see Gordon, 2017;2019a).

## 2. Do you agree with the five themes of the paper? Are the five themes sufficiently comprehensive?

We broadly agree with the five themes of the paper.

Children and young people themselves have identified issues relating to the potentially harmful content they are exposed to via online platforms, as well as the mainstream media’s use of their social media content without permission (Gordon, 2017). Our research further indicates that adolescents aged

between 11 and 18 years old widely perceive social media as a threat to their mental health and wellbeing which exposes them to bullying and harassment (O'Reilly *et al.*, 2017; 2018a; 2018b). However, we have also found evidence that young people use online platforms to seek out support and advice on how to promote positive mental health (O'Reilly *et al.*, 2019).

We also acknowledge that online safety is a responsibility shared between companies, governments statutory agencies and users. Therefore, a multi-stakeholder approach, such as the one alluded to in this pre-consultation paper, is imperative not only to tackle the problem of online bullying and harassment but also to ensure that children and adults are directed towards credible information on how to be best supported to improve their own mental health.

We recommend that:

i) The consultation process and policy paper recognise the importance of drawing on the burgeoning empirical evidence relating to children and adults' experiences of digital life. This should ideally draw on sources from the other UK regions and overseas.

For example, '[EU Kids Online](#)' brings together researchers from 34 European countries including Denmark and the UK. Its successor, '[Global Kids Online](#)' provides relevant research findings from countries from countries as diverse as Argentina, South Africa and Uruguay.

ii) The consultation and policy paper should explore the submissions to the United Nations Committee on the Rights of the Child, which is currently drafting a General Comment on children's rights in relation to the digital environment.

The Committee received 135 submissions received from States, regional organisations, United Nations agencies, national human rights institutions and Children's Commissioners, children's and adolescent groups, civil society organisations, academics, the private sector, and other entities and individuals, which can be accessed [here](#).

iii) The policy paper should also explore cyberbullying and harassment on a variety of social media platforms, ranging from Facebook to IM apps such as Snapchat and WhatsApp which have grown rapidly in popularity in recent years (Newman *et al.*, 2019).

### **3. What additional themes or sub themes would you suggest?**

We recommend that several additional themes be included:

i) Based on our research we feel that a clear omission is the role of universities in addressing the online harassment and cyberbullying experienced by young people. University lecturers and professional services staff should be added to the key stakeholders who would receive and provide training on these issues.

ii) There should be a greater focus on public information campaigns that raise awareness of the impact of online harassment and bullying on children and adults. An exemplar for this would be the Department of Justice (NI)'s 'Ending the Harm' campaign, which was the first to use Snapchat to target key demographics such as young people. It also adopted an innovative narrative approach, which featured short videos shot from the point of view of key stakeholders. Our preliminary research findings suggest

that this has proven particularly effective in reaching audiences who would not normally see a billboard or television advertisement.

iii) Building on the Online Harms White Paper (February 2020), this consultation should explore models of accountability and oversight, in relation to tech companies, mainstream media outlets and other agencies. The process should also look to international models such as the eSafety Commissioner in Australia

#### **4. Are there any specific proposals you wish to submit under any of the themes for our consideration?**

We recommend that:

i) An E-Safety Commissioner for Northern Ireland should be appointed with a specific remit that includes issues relating to online harassment and cyberbullying experienced by children and adults. This would build on the current work of the Safeguarding Board for Northern Ireland (SBNI), but provide greater accountability for victims of these online harm.

The office could be modelled on the office of the eSafety Commissioner in Australia, which is Australia's national independent regulator for online safety. The eSafety Commissioner leads and coordinates online safety efforts across Commonwealth departments, authorities and agencies. The activities of the eSafety Commissioner are set out in legislation - the *Enhancing Online Safety Act 2015 (Cth)*. The *Enhancing Online Safety Act 2015* gives the Australian eSafety Commissioner investigatory powers to act on complaints about serious cyberbullying material in relation to children.

ii) The Commissioner for Children and Young People in Northern Ireland, as well as the Commissioner for Older People in Northern Ireland, could play active roles in the design and delivery of free and accessible information on how to deal with online harassment and cyberbullying.

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