

**Forum:** General Assembly Third Commission

**Issue:** Measures to combat cyber-bullying

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## Introduction

Cyber-bullying is the use of the internet by an individual or a group of individuals to harm another person or people with intentional, repeated and hostile manners. Cyber-bullying can also take place through other such technologies related to the internet such as through radio, television, telephone, and other forms of telecommunication. Yet, cyber-bullying is usually limited to the two main mediums of the internet and the telephone.

The effects that victims of cyber-bullying usually experience include depression, lowered self-esteem, sadness, and suicidal thoughts. In addition, victims are usually unwilling to attend school and start to receive poorer marks. In extreme cases victims may even look to drug and alcohol use or even suicide. Though not all cyber-bullying victims attend school, a large majority of perpetrators and victims are adolescents meaning that a large majority of them do attend school.

Cyber-bullying differs from standard bullying in several different ways. Firstly, because cyber-bullying relies on mediums such as the internet, it can take place 24/7 without the victim or bully ever having to meet in person. Secondly, because it uses mediums that allow for the rapid transfer of information over a large area, cyber-bullying can be done quickly and spread through a large area. Thirdly, because of the transparency of the internet, cyber-bullying can even be done anonymously through the creation of a fake email account or anonymous hateful comments on a victim's website for example.

## Definition of Key Terms

### Cyber-bullying

The use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others.

### Felony

A crime, typically one involving violence, regarded as more serious than a misdemeanor, and usually punishable by imprisonment for more than one year or by death.

## **Misdemeanor**

Lesser criminal offence than a felony, punishable by no more than a single year of imprisonment.

## **Flaming**

An online dispute between two, or more members over a variety of topics including both real-world issues and emotional issues that is rooted more in actual differences in thinking as opposed to attacking someone with malicious intent (cyber-bullying).

## **ISP**

Internet service provider, the company that allows an individual to connect to the internet to browse the web.

# **Background**

## **What is cyber-bullying?**

Cyber-bullying, compared to the more traditional methods of bullying, has only started to become more prominent with the development of the internet and other forms of telecommunications. Typically cyber-bullying involves the harassment of an individual or individuals through sending hateful messages, spreading rumors, or revealing personal information online. Sometimes perpetrators also use different tools such as Photoshop to alter photos to try and humiliate victims in different ways. Cyber-bullying also differs from cyber-stalking. Cyber-stalking refers to the solicitation of sex either from adult to adult or adult to children.

## **Cyber-bullying and the real world**

As an issue, cyber bullying is one that is most applicable to MEDC's, or more economically developed countries. This is due to the accessibility and "given" that is the internet as well as the availability of personal computers and cell phones. In LEDC's, or lesser economically developed countries, where the internet or the cell phone are not such widely available resources it they are in MEDC's.

## **Why do people cyber-bully?**

Statistics show that children who are most likely to cyber-bully others are motivated by different emotions including, frustration, anger as well as revenge. Keep in mind that the privacy the internet offers means that the traditional look of a "bully" differs greatly from that of a cyber-bully. Anybody behind a computer screen can be a cyber-bully. Furthermore, because of the great anonymity that the internet gives each user, sometimes children feel that being behind a screen protects them from consequences they might suffer in real life but at the same time other children do not realize that behind the anonymity of a username lies

another real person with feelings. Finally, other children cyber-bully others purely for their own entertainment.

## Famous cyber-bullying cases

### *Megan Meier*

Megan Meier was only 13 years old when she committed suicide on October 17<sup>th</sup> 2006. Megan's case is commonly cited as one of the breakthrough cases of cyber-bullying which led to a greater effort among lawmakers to promote laws for this very important issue. Meier was harassed through an ex-friend's mother, Lori Drews, via a fake Myspace account that Drews had made posing as a 16 year old guy Josh Evans. According to her parents, her friendship with the non-existent Evans caused her a lot of happiness. Yet, in early October Drew via the fake account of Josh Evans started to send cruel messages to Meier making fun of her. Soon after Meier sent a final message reading "You're the kind of boy a girl would kill herself over" before killing herself. Meier's suicide prompted Congresswoman Linda T. Sanchez to write the Megan Meier Cyber-bullying Prevention Act at the United States House of Representatives. In addition Drews was tried in a federal case of United States v. Lori Drew and indicted by Grand Jury of the United States District Court for the Central District of California on four accounts but was eventually acquitted by the Judge. Meier's death caused her home state of Missouri to update their laws on bullying to include cyber-bullying.

### *Tyler Clementi*

Tyler Clementi was an eighteen year old college student at Rutgers when he too committed suicide after his college roommate posted a video of him online against his will. After complaining to his residence assistance and asking for a new roommate Clementi found that his roommate Dharun Ravi had invited members online to watch his live video-stream of Clementi kissing another man. This prompted Clementi to commit suicide on September 22<sup>nd</sup> 2010. Clementi's suicide led to the first anti-bullying bill passed into New Jersey state legislature.

## Perceived problems with legislature

Because cyber-bullying is done through the medium of the internet, it is much harder for authorities to control what goes on in the cyber-world. In addition, further complications involving the direct jurisdiction of the internet as well as the perceived notions of the infringement on free speech that this poses. The First Amendment of the United States constitution protects all citizens' free speech. This has frequently been referred to by supposed perpetrators of cyber-bullying which further complicates matters as though the constitution's protection is not extended to "threats" whereas the ambiguity regarding whether a virtual, albeit mean, message made over the internet would really constitute as a threat. With regards to specific legislature, the Megan Meier Cyber-bullying Prevention Act has been criticized as violation of said law would be considered a felony, as opposed to a misdemeanor. A felony warrants time

in federal prison whereas a misdemeanor (which it is considered at state legislature) would be more appropriate for dealing with teenagers, the majority of cyber-bullying perpetrators. Furthermore the vagueness of said legislature makes no differentiation between real “cyber-bullying” or a “flame war”.

## Legislature on cyber-bullying

Earlier on due to a lack of legislature regarding the use of the internet, cyber bullying was hard to control as it was not yet a punishable offence. Typically, because cyber-bullying can be done at any time, sometimes it may fall out of the jurisdiction of a school to punish a student for harassing a fellow student because he does so after school hours or not on school property where school jurisdiction is limited to. It wasn't till the well documented case of Ryan Halligan in 2003 when the state Vermont (Ryan's home-state) passed the first law regarding harassment online. Currently there are no federal laws regarding cyber-bullying but in 2009 after the cyber bullying case involving Megan Meier, the Megan Meier Cyber bullying Prevention Act was raised at the United States House of Representatives. Furthermore, the Tyler Clementi Higher Education Anti-Harassment Act, which encompasses cyber-bullying, was introduced in 2011 to the House of Representatives as well.

## Major Parties Involved

### United States of America

The United States of America has started to raise legislature in recent years in hopes of targeting and eliminating cyber-bullying. As of 2011, 46 states have laws against bullying with one currently being proposed. For cyber-bullying specifically only 10 states have laws against it so far with another three states currently working towards passing anti-cyber-bullying legislature. As mentioned previously, at federal level, currently there are laws being made to punish perpetrators of cyber-bullying.

### Canada

Canada was one of the earliest countries to set laws against cyber-bullying. Right now cyber-bullying can be addressed under both civil law and criminal law. Civil law deals with personal dignity, property rights as well as freedom from injury. In cyber-bullying's case, this can be addressed as defamation of slander and even the creation of an unsafe environment by the perpetrator. With regards to criminal law, cyber-bullying falls under the categories of both defamatory libel and also harassment.

### NOVA

The National Organization for Victim Assistance or NOVA offers help to victims of crises and crime through promotion of rights and services. Right now NOVA lists cyber-bullying as one of the crimes that it helps rehabilitate.

### Convention on Cybercrime

This convention was the first international treaty that specifically addressed computer and internet crime and took place in 2002. Although, at this point it did not specifically address anything regarding cyber-bullying; the Additional Protocol to the Convention on Cybercrime addressed a form of cyber-bullying specifically relating to “acts of racist or xenophobic nature committed through computer networks.” Currently this treaty is ratified by the states of the Committee of Ministers of the Council of Europe, USA, Canada, Japan and the Republic of South Africa. That said, the additional protocol is not ratified outside of the EU except by Canada.

## Previous Attempts to Resolve the Issue

As a problem that has yet to be dealt with at a major international conference such as the UN, aside from the aforementioned convention on Cybercrime, there really have not been any concrete attempts to resolve the issue. This may be due to the fact that an issue such as cyber-bullying may not have such a huge impact on international affairs compared to other matters.

## Possible Solutions

- **Tighten internet regulations:** Many perpetrators of cyber-bullying are able to keep their anonymity through simple tools such as VPNs or even having their ISP cover them. Determining exactly who is behind the computer early on is a vital step in ensuring that cyber-bullies are met with the needed punishments. Furthermore, other steps can also be taken to monitor online content through online filters and other such technologies. Keep in mind a human’s right to individual privacy as well as free speech issues here.
- **Legislature - Punishment:** New laws set specifically towards the punishment of cyber-bullying. Currently cyber-bullying does not yet have a standardized punishment (even in a nation, such as the United States of America), standardizing punishments would be a key part of combatting cyber-bullies. Keep in mind national sovereignty.
- **Rehabilitation for victims:** The dire problem in cyber-bullying stems from the depression that many of the young adults face and are unable to deal with. Providing rehabilitation for the victims would be crucial as it could be the difference between life and death. Literally.
- **Definitions and explanations:** Another problem currently facing law-makers is the vagueness when it comes to the specific terms of “cyber-bullying” as opposed to others such as “trolling” or flaming”. Ensuring that perpetrators of cyber-bullying are clearly identified and differentiated from “trolls” or “flamers” will help to clear up any lingering confusion about the terms.
- **The root of the problem:** Finding out specific demographics of children who are likely to take part in cyber-bullying may be a key step in stop cyber-bullying. For children who are motivated through anger or jealousy, counseling or rehabilitation might be an option. For others who are motivated purely for the

entertainment it brings to them, or to those who have nothing better to do than to harass other people; other sorts of actions to take might require some more thinking.

## Bibliography

"Council of Europe - ETS No. 185 - Convention on Cybercrime." *Council of Europe - Treaty Office*. Web. 07 Jan. 2012. <<http://conventions.coe.int/Treaty/EN/Treaties/Html/185.htm>>.

"Cyber-bullying." *Wikipedia, the Free Encyclopedia*. Web. 01 Jan. 2012. <<http://en.wikipedia.org/wiki/Cyberbullying>>.

"Cyberstalking Legislation." *Wikipedia, the Free Encyclopedia*. Web. 03 Jan. 2012. <[http://en.wikipedia.org/wiki/Cyberstalking\\_legislation](http://en.wikipedia.org/wiki/Cyberstalking_legislation)>.

"Cyberbullying and the Law Fact Sheet." *Media Awareness Network | Réseau éducation Médias*. 2010. Web. 05 Jan. 2012. <[http://www.media-awareness.ca/english/resources/educational/teaching\\_backgrounders/cyberbullying/cyberbullying\\_law2\\_h4.cfm](http://www.media-awareness.ca/english/resources/educational/teaching_backgrounders/cyberbullying/cyberbullying_law2_h4.cfm)>.

Johnson, David R., and David G. Post. "Law And Borders--The Rise of Law in Cyberspace." *Temple University Law School*. Web. 05 Jan. 2012. <<http://www.temple.edu/lawschool/dpost/Borders.html>>.

"Parents: Cyber Bullying Led to Teen's Suicide - ABC News." *ABCNews.com - Breaking News, Latest News & Top Video News - ABC News*. Web. 04 Jan. 2012. <<http://abcnews.go.com/GMA/story?id=3882520>>.

Pilkington, Ed. "Tyler Clementi, Student Outed as Gay on Internet, Jumps to His Death | World News | The Guardian." *Latest News, Sport and Comment from the Guardian | The Guardian*. Web. 03 Jan. 2012. <<http://www.guardian.co.uk/world/2010/sep/30/tyler-clementi-gay-student-suicide>>.

"The Current State of Cyberbullying Laws | Cyberbullying Research Center Blog." *Cyberbullying Research Center - Cyber Bullying Examples, Cases, Laws, Articles, Stories, Presentations, Videos, Facts, Statistics*. 03 Aug. 2010. Web. 04 Jan. 2012. <<http://cyberbullying.us/blog/the-current-state-of-cyberbullying-laws.html>>.

Web. 04 Jan. 2012. <<http://www.stopcyberbullying.org/>>.

Williams, Steve. "Illinois Law to Tackle Online Bullying Takes Effect | Care2 Causes." *Care2 - Largest Online Community for Healthy and Green Living, Human Rights and Animal Welfare*. Web. 02 Jan. 2012. <<http://www.care2.com/causes/illinois-law-to-tackle-online-bullying-takes-effect.html>>.

## Appendix or Appendices

Please include any materials that will be helpful to delegates. I would recommend documents or websites that delegates can find easily on the internet. **This section is optional.** Below is an example of what should be included here:

- I. Welch, Toby. "Famous Cases of Cyberbullying | Suite101.com." *Toby Welch | Suite101.com*. 27 Jan. 2011. Web. 03 Jan. 2012. <http://tobywelch.suite101.com/famous-cases-of-cyberbullying-a338305>  
*List of famous cases of Cyber-bullying delegates may like to research beforehand.*
  
- II. Butler, Des, Sally Kift, and Marilyn Campbell. *Cyber Bullying In Schools and the Law: Is There an Effective Means of Addressing the Power Imbalance?* Rep. no. 24-135-1-PB. Murdoch University Electronic Journal of Law, 2009. Web. 05 Jan. 2012.  
<<https://elaw.murdoch.edu.au/index.php/elawmurdoch/article/view/24/8>>.  
Comprehensive online report regarding cyber-bullying and the law, download link listed above.