

**SUBMISSIONS
TO THE HOUSE OF COMMONS STANDING COMMITTEE
ON THE STATUS OF WOMEN
RELATING TO VIOLENCE AGAINST YOUNG WOMEN AND GIRLS IN CANADA**

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Thank you, Madam Chair and honourable committee members, for your invitation to appear before the Standing Committee on the Status of Women and participate in this study on violence against young women and girls. My remarks will focus on cyberviolence against girls and young women, although as will become obvious as I proceed, in the seamlessly integrated online/offline world inhabited by many young people, any distinctions between “cyber” and “real” space are virtually meaningless² because, as we know, the consequences of online behaviours can be *very* real.

My remarks are grounded in the work that I have been doing on the intersections of law, technology and equality for over 15 years, and in particular, the work of [The eGirls Project](#), which I co-led with Dr. Valerie Steeves until 2014 and the work of [The eQuality Project](#), which I currently co-lead with Dr. Steeves. I am also a member of the National Steering Committee of the National Association of Women and the Law.

The eGirls Project focused on girls’ and young women’s experiences with online social media. In it we interviewed girls and young women aged 15-17 and 18-22 to ask them, among other things, about how their perceptions of their online lives lined up with those of federal policymakers and to find out what they wanted policymakers to know about what it was like to be a girl online. Of course, technologically facilitated harassment and violence surfaced in those conversations, but so too did their concerns around mediatized stereotyping, privacy, the intense scrutiny girls find themselves under online, and corporate policies, practices and structures that compromise their capacity to participate as equals online and off.

The eQuality Project is focused on the ways in which online behavioural targeting shapes the online environment that young people inhabit, and the degree to which it sets young people up for conflict and harassment, particularly youth from diverse and intersecting equality seeking communities. One of The eQuality Project’s current initiatives is to review and assess the efficacy of criminal law responses by examining Canadian case law on technologically facilitated VAWG.

I’ll proceed in 3 parts:

- (i) why the term “cyberbullying” must be treated with caution;
- (ii) the nature and extent of technologically facilitated VAWG; and
- (iii) what needs to be done: lessons learned from eGirls participants.

i. The term “cyberbullying” must be treated with caution because its generic nature can too easily whitewash underlying issues of discrimination and violence that require tailored

responses beyond punishing individual children or teaching children how to properly use technology. Research shows that young people who are perceived of as “different” whether because of their ethnicity, sexual orientation, gender identity or perceived disability are at greater risk of being bullied and cyberbullied.³ Similarly, girls and young women are more likely to be targeted by technologically facilitated sexual violence, particularly with respect to non-consensual distribution of intimate images.⁴ And in a sexist society non-consensual distribution leaves women and girls more open to humiliation, embarrassment and reputational ruin for expressing their sexuality, for exposing their bodies or for exposure of their bodies by others (despite superficially conflicting messages that girls’ and women’s social success depends upon emulating a stereotypical, heteronormative version of “sexy”).⁵ To the extent that “cyberbullying” as a term suggests random targeting and/or effects, therefore, it must be approached with caution. Otherwise, we may miss root causes such as misogyny, homophobia, transphobia, ableism and racism that demand redress.

ii. The nature and extent of technologically facilitated VAWG – Technologically facilitated VAWG takes many forms and is often integrated with other forms of violence and abuse of women and girls within existing relationships.⁶ Digital communications technologies have been used to threaten, harass, exploit, extort, traffick, stalk and impersonate women and girls, and to non-consensually disclose intimate images of them.⁷

iii. What needs to be done: lessons from The eGirls Project

1. Consult directly with diverse groups of girls and young women and recognize the expertise of community organizations working against VAWG and to support survivors. We cannot assume adults’ perceptions of girls’ and young women’s problems match girls’ and young women’s own experiences. For example, Canadian federal public policy dialogue around children and technology has placed significant emphasis on the risk of unknown sexual predators online.⁸ eGirls Project participants indicated some concern about unknown sexual predators online (especially with respect to their younger siblings and relations). However, they demonstrated far more concern about the impact of the widespread availability and scrutiny of data relating to them and the ways in which the online environment exposed them to the risk of reputational ruin.⁹ Girls and young women may be equally, if not more at risk of technologically facilitated violence by those they *know* than by strangers.

2. Recognize technologically facilitated VAWG as an equality-based human rights issue and proactively address root causes, rather than focusing solely on criminal law responses. While individual perpetrators should be held responsible for their actions, meaningfully addressing the disproportionate targeting of girls and young women for sexualized cyberviolence requires broader social transformation to address misogyny, racism, homophobia and other intersecting oppressions long used as tools to silence equality-seeking groups. Some eGirls Project participants felt it would be particularly important to address discrimination and prejudice through educational measures to combat these forms of oppression, as well as to address heterosexist stereotyping that privileges thin, white representations of femininity and sexuality that were a prominent part of advertising they were targeted with in online social spaces.¹⁰

3. Focus on the role that corporations play in structuring online interactions to compel data disclosure and make privacy protection difficult, instead of focusing on telling girls and

young women what not to do. Too often policy approaches focus on *reactive* responses that result in blaming those attacked for having disclosed too much and subjecting girls and young women targeted to further monitoring and surveillance by parents and other adults.¹¹ The eGirls Project participants felt that policymakers should, in particular, give girls a break and pay more attention to corporate practices and policies that compromised their ability to negotiate privacy in networked spaces.¹²

4. Provide more support for girls and young women targeted by technologically facilitated violence. The eGirls Project participants felt there was too little focus on providing support and encouragement for targets of online abuse.¹³ Policymakers should make sure that community organizations working to combat VAWG and to support survivors, and schools dealing with these issues have adequate funding to meaningfully address these needs.

5. Do not make unnecessary expansion of police power the price of addressing technologically-facilitated VAWG. One eGirls Project participant lamented that protections from online predation for girls and women were too often associated with unnecessary expansion of police surveillance powers.¹⁴ Once again we saw with the passage of Bill C-13, criminal censure of non-consensual distribution of intimate images came at the cost of expanded police powers that were in no way limited to addressing VAWG.

In conclusion, it is time for adults to take responsibility for economic and social policy decisions that have resulted in the seamlessly integrated online/offline world our children now inhabit. Ensuring that girls and young women are able to function as equals in that world demands a holistic approach that:

- (i) moves beyond purely punitive responses and monitoring, surveilling, blaming and shaming girls;
- (ii) addresses corporate structuring of online environments in ways that undermine girls' and young women's ability to participate as equals by compromising their ability to control their own data, holding them hostage to the threat of the "permanent record", and embedding their social spaces with mediatized stereotypes that set them up for conflict and harassment; and
- (iii) confronts misogyny and intersecting underlying oppressions that disproportionately expose them to violence and harassment by funding anti-discrimination education and programs and VAWG and other grassroots organizations and schools that are in the trenches working for equality and providing support for girls and women victimized by technologically facilitated violence.

Thank you. I look forward to your questions.

¹ Full Professor, University of Ottawa Faculty of Law (Common Law Section), co-leader of The eQuality Project, a 7-year SSHRC funded Partnership Grant investigating the ways in which big data practices shape

the online environment and set young people up for conflict and harassment, and former co-leader of The eGirls Project, a 3-year SSHRC funded Partnership Development grant that investigated girls' and young women's experiences of equality, privacy, and gender performance in online social networks.

² MediaSmarts, "Life online for young Canadians is more connected, more mobile and more social" (22 January 2014), online: MediaSmarts <http://mediasmarts.ca/print/press-centre/life-online-young-canadians-more-connected-more-mobile-and-more-social>.

³ Senate, Standing Committee on Human Rights, *Cyberbullying Hurts: Respect for Rights in the Digital Age* (December 2012) (Chair: Hon Mobina SB Jaffer) [Senate Committee Cyberbullying Report] at 31, quoting from UNICEF Canada, Brief Submitted to Committee, 28 May 2012; Nova Scotia, Task Force on Bullying and Cyberbullying, *Respectful and Responsible Relationships: There's No App for That: The Report of the Nova Task Force on Bullying and Cyberbullying* (29 February 2012) [MacKay Report] at 16; Helen Kennedy, executive director of Egale Canada, before the Senate Standing Committee on Human Rights (Senate, Fifth meeting on: 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, 41st Parl, 1st Sess, No 14 (4 June 2012) at 37–42); Senate, Standing Committee on Human Rights, *Evidence*, 41st Parl, 1st Sess, Issue 12 (7 May 2012) (Elizabeth Meyer).

⁴ Senate, Standing Committee on Human Rights, *Evidence*, 41st Parl, 1st Sess, Issue 11 (30 April 2012) (Faye Mishna, Dean and Professor, Factor-Inwentash Faculty of Social Work, University of Toronto); Jane Bailey and Mouna Hanna, "The Gendered Dimensions of Sexting: Assessing the Applicability of Canada's Child Pornography Provision" (2011) 23 C.J.W.L. 406-441; Fairbairn, J., Bivens, R., and Dawson, M. (2013). *Sexual violence and social media: Building a framework for prevention*. Ottawa: Crime Prevention Ottawa/Ottawa Coalition to End Violence Against Women [Fairbairn], online at: <http://www.octevaw-cocvff.ca/sites/all/files/pdf/reports/sexual-violence-and-social-media.pdf>; Natalie Webb, "End revenge porn infographic" (3 January 2014) www.cybercivilrights.org/end_revenge_porn_infographic [Webb].

⁵ Jane Bailey, "'Sexualized online bullying' through an equality lens: Missed opportunity in *AB v. Bragg?*" (2013) 59 McGill LJ 709 [Bailey, AB]; Jane Bailey, Valerie Steeves, Jacquelyn Burkell and Priscilla Regan. "Negotiating with Gender Stereotypes on Social Networking Sites: From 'Bicycle Face' to Facebook" (2013) 37 Journal of Communication Inquiry 91 [Bailey, Steeves, Burkell, Regan]; Jessica Ringrose, Laura Harvey, Rosalind Gill and Sonia Livingstone, "Teen girls, sexual double standards and 'sexting': Gendered value in digital image exchange" (2013) 14 Feminist Theory 305 [Ringrose, Double Standards].

⁶ For example, in a survey of Ontario community organizations, educators, violence prevention advocates and front-line workers related to sexual violence and social media seventy-nine percent of respondents were aware of "social media being used to control, harass or stalk a current or former intimate", with more than three-quarters being aware of the posting and sharing of intimate photos without consent: Fairbairn, *supra* note 4.

⁷ One US study indicated that 90% of the victims of non-consensual distribution of intimate images are women: Webb, *supra* note 4; Rachel Hill, "Cyber-Misogyny: Should 'Revenge Porn' be Regulated in Scotland, and if so, how?" (2015) 12:2 *SCRIPTed* 117 <https://script-ed.org/?p=2113> DOI: 10.2966/scrip.120215.117. The 2009 General Social Survey indicated that girls were the targets in 70% of reported cyberbullying incidents involving children, while the 2009 Uniform Crime Report indicated that girls represented 67% of the victims of police-reported cases of internet intimidation, although men and women were equally likely to report having been cyberbullied in the same survey: Samuel Perrault, "Self-reported Internet Victimization in Canada, 2009" (Statistics Canada: 2011), online: <http://www.statcan.gc.ca/pub/85-002-x/2011001/article/11530-eng.htm> at 10-11.

⁸ Bailey, J. and Valerie Steeves. (2013). Will the Real Digital Girl Please Stand Up? In Hille Koskela and Macgregor Wise eds. *New visualities, new technologies: The new ecstasy of communication*. Ashgate Publishing [Bailey & Steeves, 2013].

⁹ Bailey, J. (2015). A Perfect Storm: How the Online Environment, Social Norms and Law Constrain Girls' Online Lives. In Jane Bailey and Valerie Steeves, eds. *eGirls, eCitizens*, Ottawa: University of Ottawa Press, 21-54 [Bailey, 2015].

¹⁰ Ibid.

¹¹ Steeves, V. (2015). "Pretty and Just a Little Bit Sexy I Guess": Publicity, Privacy and the Pressure to Perform "Appropriate" Femininity on Social Media. In Jane Bailey and Valerie Steeves, eds. *eGirls, eCitizens*, Ottawa: University of Ottawa Press, 153-174 [Steeves, 2015].

¹² For example, *eGirls* Project participants noted that certain online social networking platforms demanded unnecessary information (such as birth dates), that apps sometimes demanded information only after allowing the user to get hooked on them, that user agreements and the technicalities of privacy settings often made it difficult for them to proactively protect their data even where they wanted to, and that some platforms automatically integrated postings from other platforms, making it difficult for them to play different roles for different audiences: Bailey, 2015, *supra* note 10.

¹³ Ibid.

¹⁴ Ibid.