

Online Harrassment, harmful communications and related offences

Possible issues for address

Definition of communication in legislation

1. There are currently significant gaps in legislation with regard to harassment and newer, more modern forms of communication. Is there a need to expand the definition of 'communications' to include online and digital communications tools such as WhatsApp, Facebook, Snapchat, etc. when addressing crimes of bullying or harassment?
2. What lessons can be learned from models used in other jurisdictions such as the UK, New Zealand, Australia and other European countries where legislation is now in place to address these issues? How do we establish an appropriate model without compromising free speech?
3. How do we ensure that any legislation that is enacted is flexible enough to keep up with changing and advancing technologies, new apps and other online forums, including the more familiar social media sites?

Harassment, stalking & other forms of online abuse

4. Online harassment can take the form of on-consensual taking and distribution of intimate images or videos, otherwise known as 'revenge porn', 'upskirting', 'downblousing' and other forms of sharing of imagery online without consent. What approaches are taken to addressing these issues in other jurisdictions?
5. New offences are proposed to cover these issues in Deputy Brendan Howlin's Private Members Bill on this subject. Is the creation of new offences necessary, or is existing legislation sufficient? Should other forms of image-sharing issues - such as exposure - also be addressed?
6. What kind of oversight and regulation of online service providers is possible/used in other jurisdictions? Currently, online providers are self regulated. Is a proactive, self-regulating approach from online companies to activities such as revenge porn and other forms of harassment preferable to the creation of more laws?
7. Is any data provided by online service providers in relation to the reporting or prevalence of activities such as upskirting/revenge porn/cyberbullying and other online behaviour that can be used to develop and draft future legislation?

8. To what extent are An Garda Síochána equipped and resourced to deal with the issues arising from harmful online communications such as these?
9. Should 'cyberstalking' be treated as a separate offence to online harassment? What constitutes stalking-type behaviour online? Is there a need to legislate specifically for this activity?
10. Based on the findings of other jurisdictions such as in the UK, An Garda Síochána will require consistent training in order to maintain an appropriate level of knowledge with regard to indictable behaviours. Are resources available for this?
11. Fake accounts/troll accounts used to harass or target others with abuse – what measures can be taken in relation to these without effecting freedom of expression?
12. Do other jurisdictions have statutory measures to protect victim identities in cases of online harassment being released online post-hearings, etc?

Harmful online behaviour and young people

13. How do we most appropriately regulate social media platforms to prevent cyberbullying and inappropriate sharing of personal images?
14. For young people who participate in such online behaviour as consensual image sharing, how can it be ensured that they are not inadvertently criminalised when legislation is enacted? What safeguards can be put in place?
15. Deputy Brendan Howlin's Private Members Bill provides that those under 17 should not be fined/imprisoned but put into relevant education or supports. Would these supports be part of the same educational supports offered to all young people/schools or would they be a separate entity? Are current supports being utilised? Are there sufficient resources to provide for such a provision when enacted?