

BPW NZ Oral Submission on Harmful Digital Communications Bill 2013

11.45 am Thursday 20th March Bowen House 72 – 84 Lambton Quay Committee Room 1

Justice and Electoral Select Committee:

Present: Chair **Scott Simpson** National, Cormandel, Deputy Chair **Paul Foster-Bell** National, List, **Joanne Hayes**, National, List, **Raymond Huo**, Labour, List, **Alfred Ngaro**, National, List, **Tracey Martin**, NZ First, List, **Hon Maryan Street**, Labour, List, **David Clendon**, Green, List, **Hon Kate Wilkinson**, National, Waimakariri

Kia ora tatou, Ko Hellen Swales taku ingoa Kimberely Black

The New Zealand Federation of Business & Professional Women (BPW NZ) is committed to working for women and their families to encourage the New Zealand government to implement Legislation which supports and refers to the protection of all Women and Children.

Which includes all forms of Harmful Digital Communications

With the advances in technology and the ease of access to the internet and the ability to interact from the privacy of your home; the ability it gives you of never having to communicate face to face makes this easier to invade other people's personal space. That is why this is an important piece of legislation.

Whilst the community can get a lot of benefit from being online: -

- emails keep you in touch with family and friends
- provides access to up to date information on just about everything.

And at least half of all people aged 65 to 75 uses the internet for this very purpose.

But it can also expose people to crime and exploitation. These advances in technology also provide many forums in which one can communicate or take advantage of our young adults and children easily. And they are often the targets of this sort of harassment. Cyber-bullying is an anonymous way to persecute and victimize a person.

Information can be shared and the audience it can reach is just phenomenal now and it is there for ever. The ability to be harassed by e-mails, texting, social networking sites or twitter is now at your fingertips. Whilst some young people sort it out quickly or shrug it off, others are affected more seriously; they feel scared, depressed, angry or ashamed.

Through the internet, cell phones and tablets, the risk is high for those less suspecting such as our children and elderly.

Upper Hutt City Council have been surveying their youth since 2006 and then biannually by posing the same questions and it is amazing how the data has changed in the eight years that has passed.

When these surveys were started there were no Twitter accounts and not as many young people had access to mobile phones, tablets hadn't been developed and high speed broadband was just being introduced. Now just about every child from the age of 12 has a mobile phone. Children as

young as three are using tablets and just about every urban home has access to ultra-fast broadband. In 2006 cyberbullying as it is now known was ranked as one of the top 10 issues which affected the youth surveyed but it only just made the cut, at number 10. But in the last survey done in 2012 it moved to number 3 only beaten by Drugs, then Alcohol, with the other biggest mover in the data collected saw an increase in more young women being seriously affected by cyberbullying. In 2007 it was estimated one in five adolescents experienced some form of cyber-bullying or harassment that year.

(The data collected in 2006 had 1533 participate in the survey with the numbers increasing with every other survey with the most recent survey having achieved 2500 with an age range from 12 – 24 years and usually a pretty even split between males and females). We also see Local Government as an important toolkit in the identification of and the delivery of projects into their own communities. A resource sometimes overlooked.

Also following the publicity surrounding Charlotte Dawson's suicide and the Roast Buster's case this issue has drawn the attention of the public that it is now not just our young being affected.

Citing the Charlotte Dawson example it is seen that the problem is across all ages and protection from anonymous abuse is important to all. It is evident from research literature that as many as one in 10 New Zealanders has personal experience of harmful communications on the internet. These statistics highlight the vulnerability of our community.

Our members have expressed concern about the harm to under age children and their inability to understand the dangers of cyberspace. We recommend that a Kid's helpline be set up and that more emphasis is placed on the Child Safety Handbook given out to children in Year 8. Further funding and discussion with schools is called for to provide additional preventative support in this area.

We quote an excerpt from the of Concluding Observations of CEDAW, 27 July 2012

Para. 21: The committee urges the state party:

- (b) To systematically collect data on harmful practices, including cyberbullying targeting teenage girls, and to implement measures, such as awareness campaigns in schools, to prevent such practices;*

BPW NZ welcomes the creation of the 10 communication principals which will set the parameters for the approved agency to work within. This agency needs to have the necessary experience, skills and knowledge to carry out the functions required; we see this as an organization better led by the Crown because of the interagency liaisons necessary to investigate such crimes. This is not just a New Zealand problem; this is experienced internationally. We have also considered the best make-up for the agency proposed by the Bill to hear complaints and investigate them. We agree that two types of knowledge are required here: technical staff providing the forensic knowledge for investigation and monitoring and well qualified people to decide on the seriousness of cases and when a crime was committed. Suggestions for the makeup of this committee included ex-family court judges, social workers, psychologists and people with a wide range of life skills.

Reviewing the agency's methods and results after two years is seen as critical. It would then be possible to review and modify the way it worked or was staffed in order to achieve better results. We would like to see this information shared on a regular base with other government departments e.g. Department of Justice, Women's Affairs, Education and Ministry of Social Development. If we are rigorous in the collection of this data we can then look more effectively at implementing appropriate support networks to assist the communities.

We would support and encourage this government to appropriate large sums of funds into the education of; awareness of, and the access for help with issues around this piece of legislation. Organisations like "Netsafe" which operates for the benefit of all, there needs to be more organisations like this and their profile better promoted.

We want to see the government give the same level of support in a campaign to increase the public awareness of the harm digital communications can have on our community, much like the Family Violence campaign "It's not Ok" but it's ok to ask for help.

We appreciated the need for balance when considering the application of this bill, public safety versus the rights of the individual, but when you have the most innocent of our community at risk we would like to see stronger sentences being issued.

We believe that New Zealand is in the forefront of global action on this problem by putting forward new legislation in the Harmful Digital Communications Bill. We ask that you look at the paper on:-

"Ethical dimensions of the Information Society that is coming out from the World Summit on Information Society Forum 2013 and 2013 World Summit on Information Society + 10 Event" In summary they have said:-

Consideration should be given to the ethical principles that bear on technological and social issues in the information society and underlie specific regulatory frameworks, whether or not such principles are enshrined in existing normative instruments or codes of conduct. Of particular importance in this regard is the analysis of gaps and lags that hamper policy in the face of the ethical challenges of the information society, with a view to supporting policy-makers and stakeholders in moving in synchrony with technological advance rather than reacting after the fact.

I did not read this passage out but recommended that this into consideration when they deliberate on this piece of Legislation.

We congratulate the government for the introduction of this Bill which will address the need to provide for the protection of the community at large.

Questioned by:-

Tracey Martin, David Clendon, Kate Wilkinson, Paul Foster-Bell, Raymond Huo, and Maryan Street.

Questions were around Education and how we saw that delivered into the community. Like the Child Helpline.

What were our views on a child aged 14 that had been involved in cyberbullying?

Elaborated more on the new agency, make-up of it and how we saw this meeting the needs of the community

A lot of question were around the study that we quoted that the UHCC had undertaken and still does

We were also questioned about the adult harassment in the cyber world as we appeared to be the only ones that really touched on adult intimidation in this arena.