



# Cyberbullying, human rights and bystanders

## 1 About bullying

### 1.1 *What is bullying?*

Bullying can happen anywhere: at school, at work, at home, on social networking sites such as Facebook, on mobile phones, in sporting teams or between neighbours. Bullying involves someone (or a group of people) with more power than you, repeatedly and intentionally using negative words and/or actions against you, which causes you distress and risks your wellbeing.<sup>1</sup> Bullying has many faces and includes the use of emerging technologies.

This behaviour may include:<sup>2</sup>

- keeping someone out of a group
- acting in an unpleasant way near someone
- giving nasty looks, making rude gestures, calling names, being rude and impolite, spreading stories, rumours and teasing
- 'mucking about' that goes too far
- any form of harassment or discrimination based, for instance, on disability, gender, sex, race or religion
- hurting someone physically or stalking.

Signs that someone is being bullied include changes in their sleeping/ eating patterns or personality (e.g. becomes withdrawn or aggressive), refusing to discuss what is wrong or hurting them and withdrawing from group and other peer activities.<sup>3</sup>

### 1.2 *What is cyberbullying?*

Cyberbullying is bullying using technology. For instance, it involves using the internet, mobile phone or other technology like a camera to bully and so hurt or embarrass someone.<sup>4</sup> It can happen anonymously, at any hour, anywhere and reach a vast audience.<sup>5</sup>

Cyberbullying has a number of unique features:<sup>6</sup>

- it allows for a potentially infinite audience to view or participate
- it is often anonymous as perpetrators can hide behind false identities
- it has a permanency of expression as information put online can be difficult to remove, and may be recorded and archived
- it may be difficult to escape from the bullying as people often use technology everyday and in the case of mobile phones can be constantly contactable
- content can be duplicated easily
- content is often searchable.

### **1.3 What does cyberbullying look like?**

Bullying on the internet or using mobiles can include:<sup>7</sup>

- being sent mean and/or anonymous text messages
- receiving nasty or threatening messages through social networking sites
- people sending photos or videos of you to other people with the intention of embarrassing you
- people spreading rumours about you
- people intimidating or harassing you
- people trying to stop you from communicating with others
- people hacking into, or stealing passwords to access your online accounts (e.g. Facebook or My Space)
- any form of communication that is discriminatory.

### **1.4 Why is cyberbullying a growing concern?**

We are all using the internet, mobile phones and other technologies more than ever. While these technologies bring many benefits to our lives, such as connecting with friends, entertainment, research and accessing support services, their growing use means that cyberbullying poses increased risks and dangers, particularly for young people. In Australia cyberbullying affects at least one in ten students.<sup>8</sup>

In June 2010 young people aged 14 -17 years old had the highest rate of internet use in Australia with 91% spending time online every week.<sup>9</sup>

<b>Level of internet use</b>	<b>14-17 year olds</b>	<b>Total population 14 years and older</b>
Heavy users (>15 hrs per week)	36%	28%
Medium users (>7- 15 hrs per week)	37%	27%
Light users (<7 hrs per week)	18%	23%
No use in an average week	9 %	22%

## **2 What are the impacts of cyberbullying?**

Bullying, including cyberbullying, can have serious impacts on individuals, organisations and communities.<sup>10</sup>

Cyberbullying can be detrimental to a person's mental and physical health.<sup>11</sup> Victims can experience significant social isolation and feel unsafe.<sup>12</sup> It can lead to emotional and physical harm,<sup>13</sup> loss of self-esteem, feelings of shame and anxiety, concentration and learning difficulties. Incidents of young people committing suicide have also occurred.<sup>14</sup>

In the case of a perpetrator of bullying, it can contribute to ongoing antisocial or criminal behaviour and engaging in abuse in other contexts.<sup>15</sup>

Cyberbullying is likely to create difficult and unsafe environments in organisations, be it at school, work or sporting clubs. Organisations at, or through, which bullying occurs have responsibilities to address and prevent bullying. In addition to the significant harm that cyberbullying can have, not addressing incidents of bullying could expose organisations to risks of claims for compensation.

## 2.1 **Cyberbullying and human rights**

Everyone has the right to be respected, safe and free from violence, harassment and bullying. A life free from violence and from cruel, degrading and inhuman treatment is a fundamental human right.<sup>16</sup> Bullying and harassment can also lead to violations of a range of other human rights. These rights include:

- **The highest attainable standard of physical and mental health.**<sup>17</sup> Bullying can impact negatively on your physical and mental health causing harm in the form of physical injuries, stress-related illnesses, depression and other health issues.
- **Work and fair working conditions.**<sup>18</sup> Bullying can lead to higher absenteeism from the workplace, poor or reduced performance and an unsafe working environment.
- **Freedom of expression and to hold opinions without interference.**<sup>19</sup> Bullying can impact on your freedom to express feelings or opinions as you no longer feel safe to do so.
- A child or young person's **right to leisure** and play.<sup>20</sup> Bullying often occurs where children and young people play and socialise such as in school playgrounds and on social networking sites. All children have the right to participate in leisure activities in a safe environment. The United Nations Committee on the Rights of the Child, in its report on Australia's compliance with the Convention on the Rights of the Child, raised concerns about bullying and the importance of protecting children and young people from exposure to violence, racism and pornography through mobile phones and other technologies, including the internet.<sup>21</sup>
- **The right to education** because it can make you feel unsafe and unwelcome at school and impact on how well you do.<sup>22</sup>
- **The right to be free from violence** whether mental, emotional or physical.<sup>23</sup>

While the rights above are not a comprehensive list, they indicate the range of rights that can be violated by bullying.

Just as all people are entitled to enjoy all human rights, they also have responsibilities to respect the rights of others. The Universal Declaration of Human Rights calls on every individual in society to promote respect for human rights and freedoms.<sup>24</sup> This is because bullying is everyone's problem. Key human rights treaties also note that individuals have duties to one another and to their community, and have a responsibility to strive for the promotion and observance of human rights.<sup>25</sup>

Taking a human rights approach to tackling bullying allows us to identify and address the harm to a victim's rights and encourage all of us to respect the rights of others.

## 3 **What is the Commission doing about cyberbullying and bystanders?**

The Commission currently has 'tackling violence, harassment and bullying' as one of its priority themes. The Commission believes that this is an issue that profoundly affects the lives of thousands of people living in Australia.

With the proliferation of new communications technologies and the dramatic increase in use of the internet including social networking sites, new arenas have been created in which harassment and bullying can take place. The Commission is taking steps to identify

and address policy issues and solutions in addition to investigating and conciliating complaints.

The Commission is undertaking and planning a range of activities to address violence, harassment and bullying. For example, in August 2010 the Commission hosted a roundtable with key non- government organisations, the Australian Communications and Media Authority, and bullying experts to explore the development of effective strategies to tackle cyberbullying.

In 2011 the Commission hosted a [vodcast](#) with UN youth champion Monique Coleman and Samah Hadid Australian UN Youth Representative which covered important topics such as bullying and self esteem. The Commission will develop a new initiative to empower young people to stand up to bullying, with an emphasis on the role of bystanders to take safe steps to respond to cyberbullying. Details of the Commission's activities are in the Commission Plan 2010-2012, *Our agenda*, and the 2009-2010 Annual Report. These are available on our website.

### **3.1 Why are bystanders important?**

The Commission is interested in identifying safe and appropriate ways to support people who want to be defenders of, or stand up for, victims of violence, harassment and bullying. This is important as some people feel uncomfortable witnessing bullying but may be unsure what to do to stop bullying happening.

Active bystanders can play an important role in stopping bullying. This is because:

- bystanders are often present online when bullying occurs
- bullying behaviour is reinforced where people watch or are present but do nothing
- when bystanders intervene, bullying is more likely to stop.<sup>26</sup>

Bullying is everyone's problem. If bystanders take safe and appropriate action to stop bullying, this allows all of us to be part of the solution to bullying.

It's up to everyone to create a safe environment and we can all help. Motivating bystanders to act when they witness bullying is now being promoted as a response, whether in schools, workplaces or more broadly in the community.

## **4 Getting help**

### **4.1 Practical bystander actions to take if you witness bullying<sup>27</sup>**

- Make it clear to your friends that you won't be involved in bullying behaviour
- Never stand by and watch or encourage bullying behaviour
- Do not harass, tease or spread gossip about others this includes on social networking sites (e.g. Facebook) or through other technologies
- Never forward on messages or pictures that may be offensive or upsetting
- If you see someone being bullied, keep safe and choose an appropriate response
- If it is safe name the behaviour
- Support the person who is being bullied to ask for help
- Ask a responsible adult for help and report to appropriate authorities if necessary

## 4.2 *If you are being bullied online*<sup>28</sup>

- **Ignore it** and don't respond to the message or images
- **Save** the evidence
- **Block** and delete the sender
- **Tell trusted** friends, teachers, parents and the police if necessary.
- **Report it to:**
  - the school –your school should have policies to prevent bullying and cyberbullying
  - the website, social networking site, internet service provider or administrator
  - the police – if there is a threat to safety call Crime Stoppers 1800 333 000 or 000 for emergencies

## 5 **Where can I get more help?**

If you have been bullied or witnessed others been bullied and need help contact:

**Kids Help Line** (1800 55 1800) is a free and confidential, telephone counseling service for 5 to 25 year olds in Australia. [www.kidshelp.com.au](http://www.kidshelp.com.au)

**Lifeline** (13 11 14) is a free and confidential service staffed by trained telephone counsellors. <http://www.lifeline.org.au>

**Reach Out** is an online community for young people that can help with mental health and wellbeing related issues they also provide opportunities for connecting with young people. <http://au.reachout.com>

The **Australian Human Rights Commission** (1300 656 419) has a complaint handling service that may investigate complaints of discrimination, harassment and bullying [http://www.humanrights.gov.au/complaints\\_information/index.html](http://www.humanrights.gov.au/complaints_information/index.html)

## 6 **Other useful resources**

Download the **Cyber-safety Help Button**, a free Australian Government initiative, designed to keep children and families safe online. [www.dbcde.gov.au/helpbutton](http://www.dbcde.gov.au/helpbutton)

**Australian Communications and Media Authority (ACMA)** has a range of resources on staying safe online. [www.acma.gov.au](http://www.acma.gov.au)

**National Centre Against Bullying** [www.ncab.org.au](http://www.ncab.org.au)

The **Australian Human Rights Commission** has information on cyber racism and actions that can be taken to report cyber racism. [http://www.hreoc.gov.au/racial\\_discrimination/publications/cyber racism\\_factsheet.html](http://www.hreoc.gov.au/racial_discrimination/publications/cyber racism_factsheet.html)

**Think U Know** conducts internet safety programs and provides advice for teachers, parents and carers. <http://www.thinkuknow.org.au/site/>

**Bullying No Way** provides support and information for school communities. <http://www.bullyingnoway.com.au/>

- <sup>1</sup> Drawn from Australian Communications and Media Authority (ACMA), *Teens Tips and Advice, Cyberbullying*. At <http://www.cybersmart.gov.au/Teens/Tips%20and%20advice/Cyberbullying.aspx> (viewed 8 February 2011); Drawn from definition on the National Centre Against Bullying website. At <http://www.ncab.org.au/bullying> (viewed December 2010).
- <sup>2</sup> Drawn from the NSW Department of Education and Training definition. *NSW Public Schools Anti-bullying*. At <http://www.schools.nsw.edu.au/studentsupport/studentwellbeing/anti-bullyingpolicy.php>; Drawn from National Centre Against Bullying (NCAB). At <http://www.ncab.org.au/bullying> (viewed December 2010).
- <sup>3</sup> Drawn from the National Centre Against Bullying, *What is bullying?* At <http://www.ncab.org.au/bullying> (viewed December 2010).
- <sup>4</sup> Netsafe, *Cyberbullying advice for young people*. At [www.netsafe.org.nz](http://www.netsafe.org.nz) (viewed December 2010).
- <sup>5</sup> D Cross, T Shaw, I Hearn, M Epstein, H Monks, L Lester, L Thomas, *Australian Covert Bullying Prevalence Study* (ACBPS), Child Health Promotion Research Centre, Edith Cowan University (2009); There is no agreed cyberbullying definition due to the changing nature of technology and contexts in which it occurs. A working definition is: *bullying and harassment of others by means of new electronic technologies, primarily mobile phones and the internet*. See the Intergovernmental Framework for European Cooperation in Science and Technology-COST ACTION IS0801, *Cyberbullying: coping with negative and enhancing positive uses of new technologies, in relationships in educational settings*. At <http://sites.google.com/site/costis0801/> (viewed 14 October 2010).
- <sup>6</sup> S Shariff, *Confronting Cyber-bullying* (2009), p 44; danah boyd\*, "Social Network Sites as Networked Publics: Affordances, Dynamics, and Implications." in Zizi Papacharissi (ed) *Networked Self: Identity, Community, and Culture on Social Network Sites* (2010), pp 39-58; boyd, danah, *Why Youth (Heart) Social Network Sites: The Role of Networked Publics in Teenage Social Life.* *MacArthur Foundation Series on Digital Learning: Youth, Identity, and Digital Media Volume* (ed. David Buckingham), MIT Press. (2010), p 9. \*note danah boyd's name is spelt in lower case
- <sup>7</sup> Ibid.
- <sup>8</sup> See the Alannah and Madeline Foundation's *Bullying Hurts* brochure. At <http://www.amf.org.au/FactSheets> (viewed December 2010).
- <sup>9</sup> ACMA, 'Australia in the digital economy, shift to the online environment', *Communications Report 2009-10 Series*, (June 2010) p 13.
- <sup>10</sup> See for example, Schwartz, J., 'Bullying, Suicide, Punishment', *New York Times*, 2 October, 2010. At [www.nytimes.com/2010/10/03/weekinreview/03schwartz.html?\\_r=1&ref=tyler\\_clementi](http://www.nytimes.com/2010/10/03/weekinreview/03schwartz.html?_r=1&ref=tyler_clementi) (viewed 16 November 2010).
- <sup>11</sup> D Cross, T Shaw, I Hearn, M Epstein, H Monks, L Lester, L Thomas *Australian Covert Bullying Prevalence Study*, Child Health Promotion Research Centre, Edith Cowan University, (2009), p 42; Sameer Hinduja<sup>a</sup>; 'Justin W. Patchin, Bullying, Cyberbullying and Suicide', *Archives of Suicide Research*, (2007) 14:3, 206 – 221. At <http://www.informaworld.com/smpp/section?content=a924722304&fulltext=713240928> (viewed 16 November 2010).
- <sup>12</sup> See the National Centre Against Bullying. At <http://www.ncab.org.au/bullying> (viewed December 2010).
- <sup>13</sup> Ibid
- <sup>14</sup> See for example, Schwartz, J., 'Bullying, Suicide, Punishment', *New York Times*, 2 October, 2010. At [www.nytimes.com/2010/10/03/weekinreview/03schwartz.html?\\_r=1&ref=tyler\\_clementi](http://www.nytimes.com/2010/10/03/weekinreview/03schwartz.html?_r=1&ref=tyler_clementi) (viewed 16 November 2010).
- <sup>15</sup> K Rigby, 'An overview of approaches to managing bully/victim problem' in H McGrath and T Noble, *Bullying solutions; Evidence-based approaches for Australian Schools* (2006) Pearson Education.
- <sup>16</sup> See for example, *Universal Declaration of Human Rights (UNDHR)*, GA Resolution 217A (III), UN Doc A/810,1948, art 5; International Covenant on Civil and Political Rights (ICCPR), 1966, art 7; CRC, 1989, art 19. *Convention on the Rights of Persons with Disabilities*, 2006, art 16; Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 19 – Violence Against Women* (1992), paras 4, 17, 14; Committee on the Rights of the Child, *General Comment no. 13- Article 19: The right of the child to freedom from all forms of violence*, UN Doc CRC/C/GC/13 (2011) para 12. At [http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13\\_en\\_AUV.doc](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en_AUV.doc) (viewed 3 March 2011); UDHR, 1948, art 7; ICCPR, 1966, arts 7, 26.
- <sup>17</sup> UDHR GA Resolution 217A (III), UN Doc A/810 (1948), art 25; *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, 1966, art 12(1); CRC, 1989, art 24.
- <sup>18</sup> UDHR GA Resolution 217A (III), UN Doc A/810 (1948), art 23; ICESCR arts 6 and 7.
- <sup>19</sup> UDHR GA Resolution 217A (III), UN Doc A/810 (1948), art 19; ICCPR, 1966, art 19.
- <sup>20</sup> CRC, 1989, art 31.
- <sup>21</sup> They have also encouraged Australia to develop programmes and strategies to use mobile technology, media advertisements and the internet to raise awareness among both children and parents on information and material injurious to the well-being of children. Committee on the Rights of the Child: *Concluding Observations, Australia*, UN Doc CRC/C/15/Add.268 (20 October 2005) paras 33-34.
- <sup>22</sup> UDHR GA Resolution 217A (III), UN Doc A/810 (1948), art 26; ICESCR, 1966, art 13(1); CRC, 1989, art 29; Committee on the Rights of the Child, *General Comment no. 1- The Aims of Education*, (2001) art 29 (1) para 8.
- <sup>23</sup> UDHR, 1948, art 5; ICCPR, 1966, art 7; CRC, 1989, art, 19; Committee on the Elimination of All forms of Discrimination Against Women, *Violence Against Women, General Recommendation No. 12* eighth session, (1989) notes that violence directed against a woman because she is a woman or violence that affects women disproportionately is discrimination.
- <sup>24</sup> UDHR GA Resolution 217A (III), UN Doc A/810 (1948), preamble.
- <sup>25</sup> ICCPR, 1966, preamble; ICESCR, 1966, preamble.
- <sup>26</sup> Australian Education Authorities, *Bullying No Way, Spotlight on bystander behaviour*. At <http://www.bullyingnoway.com.au/talkout/spotlight/bystandermain.shtml> (viewed 15 January 2010)
- <sup>27</sup> Drawn from *Bullying No Way!*, an educational resource established by state, territory and Commonwealth education departments. At <http://www.bullyingnoway.com.au/who/default.shtml> at 26 November 2010.
- <sup>28</sup> Drawn from ACMA, *Teens Tips and Advice, Cyberbullying*. At <http://www.cybersmart.gov.au/Teens/Tips%20and%20advice/Cyberbullying.aspx> (viewed 8 February 2011); National Centre Against Bullying. At <http://www.ncab.org.au/bullying> (viewed December 2010).