

What is online harassment and cyberbullying?

Cyberbullying is the use of electronic or online communications by someone to harass, threaten or intimidate another person.

Cyber bullying can take a wide variety of forms including:

- “trolling” (sending menacing or upsetting messages)
- identity theft
- “doxxing” (making available personal information)
- cyber stalking

Cyberbullying is not exclusive to any specific demographic – everybody is now at risk of being a cyberbullying victim in some way, although some groups are more likely to be victims.

There are some things that make cyberbullying different to 'traditional' bullying:

- 24-7 nature - the nature of online activity means you can be in contact at any time.
- There is the potential for a wider audience and bullying incidents can stay online, for example: a photo that you can't remove.
- Evidence - a lot of cyberbullying incidents allow those experiencing it to keep evidence - for example, take a screen shot - to show to school staff or police if needed.
- Potential to hide your identity - it is possible to hide your identity online which can make cyberbullying incidents very scary
- Degree of separation - people who cyberbully often don't see the reaction of those experiencing it so it can sometimes be harder for them to see the impact of their actions

Victims of cyberbullying often don't know who are behind the accounts that are abusing them. Sometimes the victim can suspect who the bullies are, but are unable to prove it because trolling and bullying accounts often make use of everybody's important right to anonymity – other times, complete strangers become aware of cyberbullying taking place and fall into a 'mob mentality' by contributing and amplifying the bullying rather than helping the victim.

There are many reasons that someone might choose to cyberbully another person. Some of the most common reasons are to fit in, power, jealousy, and also if they've been cyberbullied themselves.

Cyberbullying and the law

There is no legal definition of cyberbullying within UK law. However, there are a number of existing laws that can be applied to cases of cyberbullying and online harassment, namely:

- Protection from Harassment Act 1997
- Criminal Justice and Public Order Act 1994
- Malicious Communications Act 1988
- Communications Act 2003
- Defamation Act 2013

For example, under the Malicious Communications Act 1988, it is an offence to send a communication with the intention of causing distress or anxiety; and under section 127 of the Communications Act 2003 it is an offence to send an electronic message that is grossly offensive or of an indecent, obscene or menacing character. The Protection from Harassment Act 1997 covers threatening behaviour or harassment, including online and offline stalking.

It is an accepted principle that what is illegal offline, is illegal online. Guidelines revised by the Crown Prosecution Service in 2018 explain how cases of cyberbullying will be assessed under the current legislation. The guidance divides potentially criminal communications into four categories. The first three are those which may:

- constitute threats of violence to the person or damage to property
- specifically target individuals, for example involving harassment, stalking, controlling or coercive behaviour, “revenge pornography” or sexual offences
- breach a court order or statutory prohibition.

The fourth category is:

“Communications which do not fall into any of the categories above fall to be considered separately i.e. those which may be considered grossly offensive, indecent, obscene or false.”

The guidance says that, while it will usually be in the public interest to prosecute cases in the first three categories (providing they satisfy the normal evidential test), cases in the fourth category “will be subject to a high evidential threshold and in many cases a prosecution is unlikely to be in the public interest.”

There appears to be no evidence that anti-social behaviour legislation is being used to control cyberbullying.

What are the social media companies doing?

Social media sites, as well as mobile phone operators, have helplines and on-line information in respect of safety and reporting. Examples of these are given below.

Facebook has sections on Staying Safe, Reporting Abuse and Bullying and Harassment

Twitter’s rules state that those engaging in violent threats, harassment or hateful conduct may have their accounts temporarily locked and/or subject to permanent suspension. There is a section on online abuse.

Instagram's community guidelines state that it will remove content that "contains credible threats or hate speech, content that targets private individuals to degrade or shame them, personal information meant to blackmail or harass someone, and repeated unwanted messages." There is a section for reporting bullying and harassment.

Snapchat's community guidelines have strictures about, amongst other things, threats and violence and harassment and bullying.