

Submission to the Joint Senate hearing on cyber- safety

“ A Mothers View”

As a mother of a child who has had extended and prolonged exposure to cyber bullying I have read many of the submissions and believe it is my duty to state my concerns and thoughts on this issue.

Background

Since May 2010 my daughter has been subjected to a sustained and malicious attack by a group of peers from her former High School.

The campaign consisted of harassment, verbal threats, stalking, threatening texts and threats on Facebook and included a physical assault on the

Libellous statements of a sexual nature were also posted on a Facebook group page “”. I reported this site to the Police and also online through the Facebook reports mechanism. The site was closed down at my request and I reported a breach of interim restraint order on the two girls who posted the explicit content. The evening I reported this to police they also received another 6 phone calls from concerned members of the public which I believe to be regarding posts about their children. Who else was reading these posts? I’m sure that there would have been a number of predators who had access to this page.

The struggle to ensure the physical safety and the mental wellbeing of my daughter continues. To date we have had to move schools, hire a lawyer, numerous visits to a private psychologist, court appearances (and more to come), and 2 mediation hearings where the girl who ultimately physically assaulted her did not attend (she has been charged with the assault)

Why am I writing this submission?

I am experiencing first-hand the inability and lack of understanding of schools, law enforcement and the justice system in cases such as this.

My daughter, who turned 15 this month, has been bullied, harassed and intimidated, defamed on social networking sites and ultimately physically assaulted. I have been forced to move schools, laid charges for common assault, am in the process of trying to enforce restraining orders and interim restraining orders against these girls.

Her former school were aware of the issues but instead of being proactive they were very reactive. In my opinion only one teacher made a real effort to reach a resolution. Other teachers saw first-hand the threatening text messages and recorded the details in their diary or as a report, but these were not revealed to me until my daughter had left the school and the assault had taken place.

The school seemed uncertain how to address my concerns when they were raised. I can recall after one of my numerous visits to the school the Assistant Principal waving his arms at me in a defensive motion and stating “you’re not here to see me are you”. I believe that the Principal was not made aware of the gravity of the harassment until after I made the decision to remove my daughter from the school.

I had also made the school aware of the Facebook threats, but was met with “we can’t control what happens after school hours”. I ultimately made the decision to remove her from the school in August 2010 as I had grave fears for her physical safety.

On the _____, my daughter caught the bus from her new school into _____ city to get the connecting bus home. A group of girls which was made up primarily of the protagonists from her former school were waiting for her and 5 cheered on encouragement while one pinned her down and physically assaulted her. *It was boasted about on Facebook less than 10 minutes later.* As a result of this post Police were subsequently able to interview the attacker and she admitted her guilt.

The other members of the group continued to post on Facebook about the event and as a result of the physical attack I determined to take out restraining orders on behalf of my child.

Two girls (the one who admitted to the physical attack and another who was facing charges for another incident) accepted the restraining orders. However the other four continue to be seen as a collective (I lodged six individual orders) and continue to contest the orders.

When completing the restraint order applications, I also added the words "including Myspace and Facebook" to section 7 clause 3 of the application (below)

(not approach.....directly or indirectly including by telephone, email, facsimile, letter, SMS text message, or any other form of electronic communication, except :)

At the initial hearing the magistrate who granted the interim orders stated something to the effect ***that he could not include Facebook and MySpace as he was not personally familiar with and did not understand those sites.***

I will clarify that when the orders were put into effect, my subsequent complaints for breach of an order as a result of Facebook activity by some of the Respondents were taken seriously and acted upon by _____ Police.

It is a fact of life that social networking sites and mobile phone texting are an integral aspect of the majority of teenagers' lives these days. I am determined to pursue this matter and would like in some way for these girls to be made accountable. It has severely impacted on my daughter's life- loss of freedom to pursue normal activities, change in temperament, obsessive compulsive behaviours and self-mutilation.

It has been suggested to me by a mediator for Youth Justice that it may be better to drop the restraint order applications as it "may settle things down." I do not believe this to be the case as my daughter has experienced subsequent threats.

I have had the moral support of Victims of Crime and have now engaged the services of a lawyer to ensure that these girls are accountable for their actions and that my daughter's safety is ensured.

What do I see as the major areas for education/ Improvement?

- I believe it is inexcusable in this day and age that a magistrate can state that he doesn't understand social networking sites. There should be compulsory education for not only law enforcement but also for the judiciary.

- I also believe that social networking sites should also be made accountable as mediums for defamation and sexually explicit content which can be posted. I have reported a site and had it removed, just to watch another take its place almost immediately.
- I believe that individuals who post sexually explicit or libellous statements should be punishable by law.
- I believe that teachers should be better educated regarding cyber bullying and understand that as a result of the rapid progress in technology, issues that were once confined to the school ground now can reach far beyond it.
- Teachers should be proactive when they see evidence of threats which have originated in school time. Within the school there should be a process for making staff aware of potential issues regarding individual students who are experiencing prolonged cyber bullying.
- Education also needs to be given to mediators and Youth Justice Workers to ensure that they have an understanding of these sites and the issues that can evolve. It appears to me that in many mediation cases a “one solution fits all” mentality is prevalent.

Similar Case

In America the suicide of Phoebe Prince, on January 14, 2010, led to the criminal prosecution of six teenagers for charges including statutory rape and civil rights violations, as well as to the enactment of stricter anti-bullying legislation by the Massachusetts state legislature.

I quote from the case of Phoebe Prince as reported in the Boston Globe by James Vaznis, January 26, 2010

“Bullying legislation gains new urgency

Death of student spurs joint panel to address problem

TAUNTED BY CLASSMATES

Authorities are investigating the role of bullying in the apparent suicide of Phoebe Prince, a South Hadley High freshman.

It is believed that Prince endured a barrage of ridicule from a clique of girls who were irate that she had dated a football player.

Much of the taunting took place through cellphone text messages and on Facebook, and it apparently continued after Prince, a recent Irish immigrant, died on Jan. 14, school officials have said.

The legislation would address, among other things, so-called cyberbullying, or harassment of peers on the Internet. The problem has been growing rapidly over the years, and advocates for students

and school administrators have said that such bullying tends to be much nastier and more rampant than face-to-face encounters.

One of the tricky issues of addressing cyberbullying in the context of school is that it often takes place while students are off campus. However, on many occasions, the taunting stems from incidents that occur at school, and therefore should be addressed by school administrators, advocates for students have said.

"It's very clear we need to address cyberbullying," Walz said yesterday. "It's part of school culture, even if it doesn't happen within the four walls of a school building."

Full excerpt at:

http://www.boston.com/news/local/massachusetts/articles/2010/01/26/beacon_hill_lawmakers_se_e_urgent_need_for_antibullying_bill/

Summary:

Let's not stick our head in the sand, no matter how proactive a parent is; there are just so many opportunities for youth to access these social networking websites. Phone Companies now provide free access to prepaid mobile phone users; computers are easily accessible outside the home. I am aware of parents who have made a child delete a Facebook profile only for the child to create a new one using a variation of their name. I am aware of children who have around 15 profiles; they can choose which one they are happy for their parent to view. I am sure many parents are friends with their children on what they believe to be their primary profile whilst the child is more active on another page.

These social networking sites stipulate age restriction, however it simply results in a child falsifying their age and then running the additional risk of being approached by predators as a result.

Where are the checks?

I believe that there should be consequences for cyber bullies and for those who defame another. The statements and threats that they have made would never be tolerated in a newspaper or on TV, so why are they allowed to slip through on the internet?

I have dealt with many people over the last 10 months and I would say that many of them are unaware or incapable of dealing with cyber bullying and cyber safety. I must however, compliment the Police who have taken my concerns seriously and although their hands are tied due to Facebook origins in the USA, they have indicated that there are some posts which are morally and legally unacceptable and have acted to address these with the individuals involved.

My daughter has a long way to go before I see a return of the fun-loving happy go lucky girl I once knew. The strain on our family has been enormous, physically, mentally and financially. However I am confident we will see her return one day.

