

# The Role the Irish Legal System Plays in Protecting Teenagers from Online Trolling and Online Bullying

In this essay I will explore the title, 'The Role the Irish Legal System Plays in Protecting Teenagers from Online Trolling and Online Bullying'. I hope to provide you with all the relevant information relating to the topic, allowing you to form your own opinions.

By considering key questions such as; What laws and legislations are currently in place? What penalties apply? How long has this legislation been in place? Are people aware of the legislation? you will be aware of the exact actions which constitute online bullying and trolling and the penalties applicable.

Currently, the legislation which deals with online bullying is named 'The Harassment, Harmful Communications and Related Offences Bill'. The bill condemns the "taking, distributing or publishing" of intimate images without the victim's consent. In short, this is the only legal bill which deals with criminal online behaviour in Ireland. It was passed into law on the 28th of February 2020 - barely a year ago.

Therefore, I believe the Irish legal system had very little to do with teenager's protection online until recently. Only twelve months ago there was no defined legal basis upon which to convict someone of sharing intimate images online, never mind cyberbullying.

Before I delve into the more nuanced details and implications of the bill I would like to define several words which are integral to this legislation. Online bullying, as understood by the Cambridge English dictionary, is "the activity of using the internet to harm or frighten another person, especially by sending them unpleasant messages".

Unfortunately, 'The Harassment, Harmful Communications and Related Offences Bill' does not define online bullying. It deals solely with the sharing of intimate images, not general online bullying such as the "unpleasant messages" mentioned in Cambridge's definition. Another important term to understand when discussing this title is 'online trolling'. This is defined by the Cambridge English dictionary as "the act of leaving an insulting message on the internet in order to annoy someone". Again, the bill in question does not define this term, so there is no legal definition available on which to prosecute someone for any harm inflicted through online trolling and some forms of cyberbullying.

So, now that we have the basics to work with, we'll explore a final term relevant to the title. The title of this essay causes us to question how the legal system 'protects' teenagers online. Protecting, is, as I understand it to be, an action or measure taken with the sole purpose of preventing harm to someone. I believe it's also important to note that protection is something that occurs before the harm has taken place, not after. It is a preventative measure when effective, not a penalty sanctioned after the harm has been inflicted.

Now, let's explore the exact terms of the bill, which is commonly referred to as 'Coco's Law', named after a woman who committed suicide following years of online bullying.

To begin, there have been several legal changes made as a result of this bill, in the criminalisation of threatening online behaviour. The following offences are now considered to be illegal, and are therefore punishable in a court of law;

Presently, anyone who has taken, distributed, published or threatened to distribute intimate images without consent with the intent to cause harm to the victim is liable to a maximum penalty of an "unlimited fine and/or up to seven year's imprisonment".

The second offence outlined states that anyone who has taken, distributed or published intimate images without consent but without the intent to cause harm to the victim will receive a "maximum penalty of a €5,000 fine and/ or up to twelve month's imprisonment".

In legal terms, a person is guilty of the aforementioned crimes even if the action occurred only once. In this regard, the law does not define online bullying and harassment as a repeated action, as conventional definitions do. A one time offence is enough to warrant a conviction.

It is worth noting that under the bill's "interpretation" section, "harm" to the victim "includes psychological harm". This makes the grounds on which to challenge someone of causing harm online much broader than previous legal basis.

The bill says "a person causes harm to another person where he or she, by his or her acts, intentionally or recklessly seriously interferes with the other person's peace or privacy or causes alarm or distress to the other person".

'The Harassment, Harmful Communications and Related Offences Bill' is very concise about what defines intimate images, detailing exactly what constitutes the term. In the following extract from the bill you will see how the term intimate image is defined. There are very little grounds for interpretation given; "Intimate image, in relation to a person, means any visual representation made by any means including any photographic, film, video or digital representation—

- (a) of what is, or purports to be the person's genitals, buttocks or anal region and, in the case of a female, her breasts
- (b) of the underwear covering the person's genitals, buttocks or anal region and, in the case of a female, her breasts
- (c) in which the person is nude
- (d) in which the person is engaged in sexual activity".

In terms of prosecuting people who have been proven to distribute intimate images the legal system is very thorough. However, I remain to be convinced on how the legal system 'protects' this country's teenagers. As far as I can see, the only protective measure in place is the deterrent of such large penalties. There are no preventative measures enacted or referenced in the bill. Although it is very progressive in condemning horrible online behaviour, next to nothing is established, in solid, tangible terms, to stop the behaviour in the first place.

Furthermore, throughout the entire bill, nothing is mentioned in regard to the cyberbullying many teenagers face daily, such as nasty messages and sneering online comments. No solid legal basis upon which those who intimidate children, teenagers and adults alike, can be prosecuted is established. This is, I accept, a grey area which is difficult to prove in a court of law without significant evidence. But our title deals with the term 'online trolling'. This term is not dealt with in Coco's Law, nor is verbal cyberbullying.

Most reasonable people will accept that not everyone is prosecuted, their identity made public or forced to take responsibility for their actions. How does the law deal with people who evade sentencing?

The bill has also resulted in harsher sentencing from judges and lower tolerance from both the legal system and the general public.

Another area I will explore in regards to the bill is how aware the general public are of its existence. When, in a class discussion, a mere handful of students knew about the 'The Harassment, Harmful Communications and Related Offences Bill', I must say I was hardly surprised. I had only recently learned about the bill, and this was only through discussions with another teacher. I believe most of the public don't understand how seriously the law has begun to take online behaviour. My peers, and indeed people of all ages, frequently see online actions as without consequences. If there are no, or severely limited, awareness campaigns about the new penalties, when will people begin to take it seriously? How will people begin to understand that this is no 'laughing matter', 'a bit of craic', or 'only horseplay'? The Irish legal system will significantly improve its standing in relation to teenager's protection online if we all know how gravely the matter is treated, that powerful people truly believe it's wrong.

Finally, the question must be asked, do the gardaí have powers to protect teenagers online? Court cases are lengthy, time consuming and certainly not your first port of call. There are officials, in the form of gardaí, who we are advised to contact after experiencing online harassment or bullying. Gardaí have certain powers, but the outlines are vague and often unknown to the public. I believe that if Gardaí were better trained in how to effectively deal with cases of cyberbullying, more sanctions would be imposed, further deterring these criminal offences.

In conclusion, the Irish legal system has made huge progress in its role of protecting teenagers online in the last few years. There is greater acceptance of how damaging these experiences can be, and sterner sentencing imposed. However, I believe the legal system still has a long way to go. There are numerous areas which need to be improved upon such as prosecuting online harassment which does not concern intimate images, and harassment in the form of cyberbullying. People are not aware of the sanctions in place, which is an area that needs to be explored if we are to enhance the bill's effectiveness.

More precautions must be introduced to deter online bullying and trolling in the first place, not bandages to limit the damage in the aftermath.